SENATE

WEDNESDAY, *May 15, 1929*

(Legislative day of Tuesday, May 7, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Simmons
Ashurst	George	McKellar	Smith
Barkley	Gillett	McMaster	Smoot
Bingham	Glass	McNary	Steck
Black	Glenn	Moses	Steiwer
Blaine	Goff	Norbeck	Stephens
Blease	Goldsborough	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Brookhart	Greene	Oddie	Thomas, Oklahoma
Broussard	Hale	Overman	Townsend
Burton	Harris	Patterson	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Tyson
Connally	Hawes	Pittman	Vandenberg
Couzens	Hayden	Ransdell	Wagner
Cutting	Hebert	Reed	Walcott
Dale	Heflin	Robinson, Ark.	Walsh, Mass.
Deneen	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Sackett	Warren
Edge	Kean	Schall	Waterman
Fess	Keyes	Sheppard	Watson
Fletcher	King	Shortridge	Wheeler

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from California [Mr. JOHNSON] that the Senate proceed to the consideration of Senate bill 312, the census and apportionment bill.

Mr. HARRISON obtained the floor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions:

House Joint Memorial 9 (by Mr. Tarwater)

IN THE HOUSE,
IN THE LEGISLATURE OF THE TERRITORY OF ALASKA,
NINTH SESSION.

To the President and the Congress of the United States:

Your memorialists, the Legislature of the Territory of Alaska, in ninth regular session assembled, do most respectfully represent that:

Whereas mining is the basic industry of the Territory of Alaska, and upon which a high percentage of the population, trades, and traffic of the Territory are directly or indirectly dependent; and

Whereas approximately 95 per cent of the area of Alaska is public land largely under the jurisdiction and control of the Interior Department and the development and utilization of the mineral resources within which are matters of concern and responsibility on the part of the Government of the United States; and

Whereas these vast areas of public land are not subject to taxation by the Territory of Alaska and therefore yield no revenue to the Territorial Treasury; and

Whereas there is a large area of undeveloped mineral land tributary to the Government-owned Alaska Railroad, and we feel that every encouragement should be given to further the development of the mineral resources of this region, particularly since from this source the Alaska Railroad must derive its tonnage; and

Whereas the future development of the agricultural industry of the interior of Alaska depends almost entirely on the development of the mining industry; and

Whereas it is of the utmost importance in the continued growth of the mining industry that authentic information be secured and disseminated as to the economic importance and commercial availability of the mineral resources of the Territory and as to the extent and significance of the development of such resources, and that all possible assistance be given to prospectors in their search for and development of valuable mineral substances and in making contact with prospective investors in mining prospects; and

Whereas we are informed that such important mining States of the West as California and Idaho, and also the Province of British Columbia, in Canada, realizing the importance to their mining industries of services such as those above outlined, maintain and liberally support extensive organizations in the form of mining bureaus and departments charged with the duty of gathering such data and rendering such services, and we believe such services are of equal or even greater importance in Alaska; and

Whereas during each of the past two biennial sessions of the Legislature the Territory of Alaska has appropriated $20,000 as a fund to assist in defraying the field and office expenses of mining engineers of the United States Bureau of Mines and Geological Survey assigned by the Interior Department to duty in Alaska for the purposes of making mining investigations, assisting prospectors, and the inspection of mines under the direction of the supervising mining engineer for those bureaus in Alaska; and

Whereas from the year 1922 to July 1, 1925, the said Bureau of Mines assigned to duty in Alaska three mining engineers besides the supervising mining engineer and allotted for their salaries and expenses in making such mining investigations the sum appropriated by the Congress for such work in the amount of $22,000 per annum, as a result of which very valuable service was rendered to the mining industry of Alaska; and

Whereas on July 1, 1925, the engineers and funds available for making mining investigations and conducting mine inspection in Alaska were transferred from the Bureau of Mines to the Geological Survey, since which time the appropriations and funds allotted thereunder and the personnel of engineers assigned to making mining investigations, assisting prospectors, and conducting mine inspection in Alaska from time to time have been reduced and curtailed until the sum so allotted for such work now amounts to only $4,500 per annum, and part of the services of the supervising mining engineer, who has other important duties, are alone available for such work within the entire Territory, and a large part of the funds appropriated by the Territory to assist in defraying the field and office expenses of this important work have remained unexpended on account of the removal by the Government of three engineers as above recited, and the appropriation thereof has thereby been rendered futile and of no avail; and

Whereas the services of at least two additional mining engineers are urgently necessary in order to properly and effectively conduct mining investigations, assist prospectors, and conduct mine inspection in the Territory, and the Territory is willing to continue to appropriate as heretofore its proper share of the expense of such services other than salaries;

Now, therefore, we, your memorialists, earnestly urge your honorable body to appropriate sufficient funds to pay the salaries and a reasonable proportion of the expenses of two additional mining engineers, and that the proper departmental executive officers be authorized and directed to assign and maintain such engineers in Alaska for the purpose of performing the duties necessary in adequately carrying on the work hereinbefore described; and that the said departmental executive officers be further authorized to cooperate with the Territory of Alaska in conducting said work.

And your memorialists will ever pray.

Passed by the house of representatives, April 18, 1929.

R. C. ROTHENBURG,
Speaker of the House.

Attest:

LAURENCE KERR, *Clerk of the House.*

Passed by the senate April 29, 1929.

WILL A. STEEL,
President of the Senate.

Attest:

CASH COLE, *Secretary of the Senate.*

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on the Judiciary:

Concurrent Resolution

Whereas the women of the Territory of Hawaii have shown an interest in civic affairs and in the administration of justice at least equal to that shown by the men; and

Whereas it is but proper that women should be permitted to serve as jurors; and

Whereas the Legislature of the Territory of Hawaii desires to enact a law to permit women to serve on juries; and

Whereas such a law would be in direct conflict with the provisions of section 83 of the organic act: Therefore be it

Resolved by the House of Representatives of the Territory of Hawaii (the Senate concurring), That Congress be requested to so amend the provisions of section 83 of the organic act that the Legislature of the Territory of Hawaii may enact a law permitting women to serve on juries; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII,
Honolulu, Hawaii, April 27, 1929.

We hereby certify that the foregoing concurrent resolution was adopted in the House of Representatives of the Territory of Hawaii on April 11, 1929.

———— ————,
Speaker House of Representatives.

———— ————,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 27, 1929.

We hereby certify that the foregoing concurrent resolution was adopted in the Senate of the Territory of Hawaii on April 26, 1929.

———— ————,
Vice President of the Senate.
———— ————,
Clerk of the Senate.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Resolution 1

Chapter —

Relative to memorializing Congress for Federal aid in the control of the western pine bark beetle

Whereas timber constitutes one of the greatest resources of California and other Western States where the lumber industry gives employment to over half of the wage earners of the Pacific coast; and

Whereas the forests of western United States now contain two-thirds of the remaining virgin timber resources of the country, and the entire Nation is dependent upon these forests for its supply of timber and other forest products; and

Whereas bark beetles and other forest insects are annually destroying hundreds of millions of board feet of virgin timber each year, and such losses by insects exceed the total annual growth of young timber in this region, and the losses in the pine region of the West caused by beetles is greater than the loss by fire; and

Whereas such losses are resulting in a too rapid exploitation of the timber resources of this region in an effort to salvage timber before it is killed by insects; and

Whereas these insect depredations have become a serious threat to the timber resources comparable to the activities of the boll weevil and corn borer in other parts of the Nation; and

Whereas it is impossible to control bark beetle infestations on private lands unless control work is also conducted upon adjoining federally owned lands; and

Whereas a very large proportion of all timber in the West is owned by the United States Government: Now, therefore, be it

Resolved by the senate and assembly, jointly, That the Legislature of the State of California respectfully urge and request adequate Federal assistance in the control of this great forest menace and the adoption by the Congress of the United States of appropriate legislation for the appropriation of the requisite funds for the purpose of meeting this emergency; and be it further

Resolved, That the secretary of the senate be, and he is hereby, directed to transmit copies of these resolutions to the President of the United States, to the Secretary of Agriculture, to the Secretary of the Interior, and to each of the Members of the Senate and House of Representatives.

Adopted in senate January 9, 1929.

J. A. BEEK,
Secretary of the Senate.

Adopted in assembly January 18, 1929.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

This resolution was received by the governor this 26th day of February, A. D. 1929, at 11.05 o'clock a. m.

CHARLES A. WHITMORE,
Private Secretary of the Governor.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Immigration:

Senate Joint Resolution 6

Chapter —

Relating to an act of Congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act

Whereas in 1921 the Legislature of the State of California by appropriate resolution urged upon Congress the necessity for the continued adherence to the policy of the United States restricting the right of citizenship, and likewise protested against any attempt by treaty or otherwise to permit the immigration of ineligible aliens; and

Whereas in 1924, after full investigation and consideration, Congress by general law prohibited the immigration of aliens ineligible to citizenship; and

Whereas various organizations have since the passage of said act persistently sought to influence Congress to recede from such policy, and the adherence to said policy has been urged by the American Legion, American Federation of Labor, the Grange, and the Native Sons of the Golden West, the first three of which organizations have repeatedly in their annual conventions by resolutions expressed their continued support of the congressional action; and

Whereas there is now in progress a nation-wide campaign designed to substitute the quota system for the rigid and effective exclusion of Asiatic laborers as provided in the general immigration act of 1924: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the legislature of this State protests against any character of action designed to modify the present immigration laws relating to the exclusion of Asiatic laborers and reaffirms its belief that the privilege of American citizenship should continue to be restricted as at present, and that the privilege of immigration should be extended only to those people who may become citizens of the United States; and be it further

Resolved, That the Senators and Representatives in Congress from the State of California be urged to present the seriousness of the present situation to the attention of their colleagues and to the departments of the Federal Government, and to use all honorable means to prevent modification of the present naturalization and exclusion laws; and be it further

Resolved, That the chief clerk of the Senate of the State of California be, and he is hereby, authorized and directed to transmit a copy of this resolution to each Member of the Senate and House of Representatives of the United States.

Adopted in senate March 12, 1929.

J. A. BEEK,
Secretary of the Senate.

Adopted in assembly March 21, 1929.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

This resolution was received by the governor this 29th day of March, A. D. 1929, at 11 o'clock a. m.

CHARLES A. WHITMORE,
Private Secretary of the Governor.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Senate Joint Resolution 8

Chapter —

Relating to the Federal income tax law

Whereas just and equitable taxation is a matter of paramount importance to all American citizens; and

Whereas it is apparent that grave injustice results from the failure of the Federal income tax law to properly differentiate between earned incomes and unearned incomes; and

Whereas an earned income is the measure of value of service rendered by the worker to the community and unearned income is the measure of value received by the individual from the community, and earned incomes are thus received in return for service of any sort—mental or physical—as distinguished from incomes from investments or from property; and

Whereas it is apparent that wealth received by an individual who did not create it should bear a heavier tax than wealth received by an individual who did create it; and

Whereas to tax earned income heavily is to penalize thrift and industry, and is a direct tax on labor and tends to retard enterprise and achievement: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President, the Secretary of the Treasury, and the Congress of the United States be hereby memorialized and urged that a reduction of 50 per cent be made in the tax rate on earned incomes below the tax rate on unearned incomes; and be it further

Resolved, That the secretary of the senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives from California in the Congress of the United States.

H. L. CARNAHAN,
President of the Senate.
EDGAR C. LEVEY,
Speaker of the Assembly.

Adopted in senate March 8, 1929.

J. A. BEEK,
Secretary of the Senate.

Adopted in assembly March 21, 1929.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

This resolution was received by the governor this 29th day of March, A. D. 1929, at 11 o'clock a. m.

CHARLES A. WHITMORE,
Private Secretary of the Governor.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Banking and Currency:

House concurrent resolution

Whereas the several States of the Union are prohibited from taxing the personal property of national banks and may tax their shares only as permitted by Congress, under the provisions of section 5219 of the Revised Statutes of the United States, which in effect permits the taxation of such shares in the same manner as other moneyed capital within the State; and

Whereas it is contended by said banks that notes and mortgages in the hands of individual citizens representing the investment of their personal funds for the purpose of deriving the interest upon such investment and in bonds and other security commonly known as moneys and credits, are within the meaning of section 5219, Revised Statutes of the United States, moneyed capital, and in competition with the shares of stock in national banks; and

Whereas every attempt at taxation of money and credits at more than a nominal rate has proved a failure, and the practice of taxing money and credits at a low rate has in each of the many States employing that method resulted in reaching enormously greater amounts of such property and in producing a larger revenue and in the better distribution and equalizing of the burden of maintaining government; and

Whereas the Supreme Court of the United States and many courts of last resort in the several States have held taxes levied upon bank shares in States taxing money and credits, including money owned by individuals and invested by them in mortgages, bonds, and other securities, to be invalid, on the ground that a substantial part of such investments are other moneyed capital in competition with such bank shares, and by reason of the failure of the owners to declare them for taxation at a relatively higher rate than that provided by statute; and

Whereas the schemes contained in section 5219, Revised Statutes of the United States, as amended, providing for the taxing of bank shares by income or excise rather than by value, are neither practicable nor adaptable by the plans of taxation used in States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all the States in the Union; and

Whereas the States find themselves faced with the choice of radically altering their taxation systems to meet the objections of owners of bank stock or to virtually exempt such stock from taxation; and

Whereas an effort is being made by the taxing officials of the various States of the Union to bring about the amendment of section 5219, Revised Statutes of the United States, so as to permit the continuation of the ad valorem method of taxation and the taxing of moneys and credits at a relatively low rate, also permitting the taxation of bank shares at a higher rate than moneys and credits, and upon a basis fair and equitable to the owners of bank stock and the general tax-paying public: Therefore be it

Resolved by the House of Representatives of the State of Iowa (the Senate concurring), That the Congress of the United States be, and the same is hereby, urgently petitioned and requested to amend sction 5219, Revised Statutes of the United States, so as to permit the taxation of the shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and House of Representatives of the Congress, and amendments proposed thereto; be it further

Resolved, That on the passage of this resolution, the secretary of state shall certify a copy hereof to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative of the State of Iowa at Washington, D. C.

J. H. JOHNSON,
Speaker of the House.
ARCH W. MCFARLANE,
President of the Senate.

I hereby certify that this resolution originated in the house and is known as House Concurrent Resolution 8.

A. C. GUSTAFSON,
Chief Clerk of the House.

The VICE PRESIDENT also laid before the Senate resolutions of Local Union No. 168, International Brotherhood of Blacksmiths and Helpers, the Garage and Property Owners Association of California, and the Polk Van Ness & Larkin District Association, all of San Francisco, Calif., favoring a reduction of 50 per cent in the Federal tax on earned incomes, which were referred to the Committee on Finance.

He also laid before the Senate a joint resolution of the Legislature of the State of Maryland, requesting that Congress take appropriate action whereby The Star-Spangled Banner may be declared to be the national anthem of the United States of America, which was referred to the Committee on the Library. (See joint resolution printed in full when presented by Mr. GOLDSBOROUGH, May 13, 1929, p. 1168, CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of the State of Maryland, favoring amendment to the copyright law of 1909, to provide that a person who has copyrighted a dramatico-musical or a choral or orchestral composition or other musical composition, which composition is offered for sale to the public, shall not have the exclusive right to perform the copyrighted work publicly for profit nor be entitled to receive any fee or price in addition to the purchase price for permission to use the composition in a public performance for profit nor be entitled to any penalty if the composition is so used without the permission of the copyright proprietor, etc., which was referred to the Committee on Patents. (See joint resolution printed in full when presented by Mr. GOLDSBOROUGH, May 13, 1929, p. 1168, CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of the State of Maryland, requesting Congress to select a site for the summer home of the President of the United States somewhere in the State of Maryland, which was referred to the Committee on Public Buildings and Grounds. (See joint resolution printed in full when presented by Mr. GOLDSBOROUGH, May 13, 1929, p. 1168, CONGRESSIONAL RECORD.)

Mr. GOLDSBOROUGH presented a telegram in the nature of a memorial from George W. Hill, vice president National Customs Service Association, Baltimore, Md., remonstrating against section 451 of House bill 2667, the tariff revision bill, providing that section 5 of the act of February 13, 1911, shall not apply in connection with railroad trains, ferries, etc., as being unfair and detrimental to the interests of customs inspectors, which was referred to the Committee on Finance.

Mr. BINGHAM presented a letter in the nature of a petition signed by Lillian E. Bailey, as president of the Department of Connecticut Woman's Relief Corps, Danielson, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented petitions of Lady Sherman Council, No. 15, of Shelton, and Lady Wooster Council, No. 11, of Danbury, Sons and Daughters of Liberty, in the State of Connecticut, praying for the retention of the national-origins clause in the immigration law, which were referred to the Committee on Immigration.

He also presented petitions of Ingeborg Lodge, No. 22, of Waterbury; Victory Lodge, No. 26, of Middletown; and P. G. Lodge, No. 83, of Ansonia, all of the Vasa Order of America, and the Swedish-American Republican Club, of Waterbury, all of the State of Connecticut, praying for the repeal of the national-origins provision of the existing immigration law, which were referred to the Committee on Immigration.

CONDITIONS IN TEXTILE INDUSTRY IN NORTH CAROLINA

Mr. OVERMAN. Mr. President, a few days ago, desiring to know what is the sentiment of the people of North Carolina in reference to the Wheeler resolution, I addressed about 100 of the leading Republicans and Democrats of North Carolina, and I have received replies from nearly all of them. I ask that the clerk may read at the desk four of the letters which I have received and that the others may be noted in the RECORD. Anyone who knows North Carolina will know from a reading of the names of the writers that they are among the leading citizens of that State.

The VICE PRESIDENT. Without objection, the clerk will read the letters sent forward by the Senator from North Carolina.

The Chief Clerk read as follows:

LAWNDALE, N. C., *May 13, 1929.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR MR. OVERMAN: I have your favor of the 11th in regard to the proposed Wheeler resolution.

I have also noted that the Charlotte Observer has invited the investigation proposed in that resolution.

I wish to say, so far as we are concerned, we are not in the least afraid of the results of a fair investigation of conditions in and around our plant as affecting employees, and we believe most of the mills, especially the successful ones in this section of the country, feel likewise.

However, on principle I object to such investigations, regardless of what the investigation may bring forth. It is a meddlesome procedure, which is, to my mind, contemptible as coming from the Federal Government.

In the first place, I strongly suspect and firmly believe that those who are responsible for the introduction of that resolution have no good motive in view except to manufacture propaganda and stir up strife.

In the third place, I have noted that professional agitators, when they are "moved by the spirit" to take action, they usually direct and confine their activities to cotton mills, especially southern cotton mills, and they absolutely ignore conditions that exist in other large industries—notably agricultural.

This convinces me that these so-called reformers are not sincere in their endeavors to promote better conditions among the laboring classes.

If investigations should be made at all, not only the southern mills should be investigated but also the northern mills; not only the conditions of the employees of the mills but the conditions of the employees

on the farms in the same section of the country, and especially the condition of tenants. Anything short of this will not only be unfair but will be an absolute farce, in my opinion.

These one-sided investigations, which are usually made merely for the purpose of manufacturing propaganda, usually result in deceiving the public, doing injustice to some classes, and encouraging demagoguery and hypocrisy in other classes.

I for one object seriously to the United States Congress sending anyone here to investigate us.

On the other hand, I will be glad to write to Senator WHEELER personally, welcoming him personally, or any other Senator, to visit us, and I will be pleased to extend to him every courtesy and show him through our plant and through our village.

With best regards,

Yours truly,

CLEVELAND MILL & POWER CO.,
Per JOHN F. SCHENCK, *President.*

P. S.—You will doubtless remember that Mr. Dawley—as I remember, Thomas R. Dawley—a number of years ago was sent down here to investigate factory conditions, and Dawley not only investigated the factory conditions but he investigated agricultural conditions around the factories and in the mountains, from which source most of the mill employees moved.

The Labor Department refused to accept his report. As you doubtless remember, he published his findings in a book entitled "The Child That Toileth Not." This book is very interesting and to my own knowledge is absolutely true to life and to the facts. It ought to be published and referred to until a lot of the misguided "philanthropists" and "humanitarians" up North become enlightened on the subject of southern labor conditions.

This letter is not confidential.

SCOTLAND COTTON MILL, WAVERLY COTTON MILL CO.,
DICKSON COTTON MILL, PRINCE COTTON MILL CO.,
Laurinburg, N. C., May 13, 1929.

Hon. LEE S. OVERMAN,
United States Senator, Washington, D. C.

MY DEAR SENATOR OVERMAN: I want to thank you most sincerely for your very kind favor of the 11th.

Your position on the Wheeler resolution is absolutely sound. It would be a great disadvantage to the southern mills just at this time, when the communist's leaders are staging strikes throughout the South, to have an investigation of labor conditions, for the reason that it would be practically impossible to get an unbiased report as to the true conditions, because the communists are going around painting pictures and presenting children as starving and demanding all kinds of claims as to wages when there is absolutely no foundation to any of it.

I know it to be a fact that the southern cotton-mill laborers have been treated absolutely fair, and their condition to-day, as compared with their condition when they came from the country to work in the mills, is marvelous.

Your position is absolutely sound in opposing this resolution on the ground that it could not do any good whatever, only stir up trouble and give the mills a great deal of unfavorable and untrue advertising.

Of course, if the Wheeler resolution looks as if it is going through, I think it should include the entire textile industry in the United States. Should we have this it would show up our New England friends in much worse shape than the southern mills.

I think the Southern States are thoroughly able to take care of their labor situation and know you will agree with me in this view.

I am satisfied that I voice the sentiment of the entire cotton industry when I congratulate you on the stand you have taken, the newspapers of North Carolina notwithstanding. Hence, I trust you will stick to your position.

Again thanking you for writing your letter of the 11th, with highest personal regards and best wishes, I am,

Yours very truly,

A. M. FAIRLEY, *General Manager.*

OSCEOLA MILLS (INC.),
Gastonia, N. C., May 13, 1929.

Hon. LEE S. OVERMAN,
United States Senator, Washington, D. C.

DEAR SENATOR: Replying to yours of the 11th, I want to assure you that, in my opinion, your position is entirely correct.

There is no question in my mind but that an investigation ordered at this time by the National Congress would be construed to be a victory for the communistic leaders in this territory, as they are solely responsible for this agitation in North Carolina, and, in my opinion, it is one of the most dangerous agitations that has ever been staged in this country.

Their headquarters, as you know, have been transferred in a large measure from New York to Gastonia, and we have had to bear the brunt of this very dangerous agitation. The only object these people have is to try to get a foothold among our laboring people under the guise of helping them in an industrial way. They are not making much headway in making Russian reds out of our 100 per cent American people, but they would be quick to claim credit for any investigation at this time, and I think it would be very harmful to encourage this activity.

The cotton mills have nothing to conceal and ordinarily would welcome any unbiased investigation that the United States wanted, but I think to have this investigation just at this time would be construed as a victory for these leaders, who, to say the least, are very unpatriotic American citizens.

Assuring you of my highest regards, I am, yours very truly,

W. T. RANKIN.

ALEXANDER MANUFACTURING CO.,
Forest City, N. C., May 13, 1929.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR: I have your favor of the 11th, addressed to the different mills of North and South Carolina, in regard to the Wheeler resolution, and I write to say that I am in entire agreement with your position as to the wisdom of Congress making any kind of investigation of the textile industry at this time, either North or South.

I think this would have a tendency to encourage these communistic leaders, and no good could come from such investigations. I seriously doubt if the South could get an honest, fair, and open report from such investigations, because there seems to be a certain amount of preconceived prejudice against the South and its textile industry.

As you state in your letter, I think all such investigations, of any industry, should be made by the States and not the Federal Government.

Personally I do not fear honest investigation—we rather court investigations at our plant, but, as stated above, I doubt the wisdom of such work being done by Congress or any branch of the Federal Government. I think this would have a tendency to create suspicion on the part of the operatives, and no real good could come from such work.

We believe our people are well satisfied, and we know they are well-housed, with water and lights, and baths in all buildings; and they are receiving good, honest wages—very much more than they could earn from any other line of work they might enter; but the very fact that Congress, or any branch of the Federal Government, should deem it necessary to make investigations would create suspicion on the part of the operatives, and might produce a certain amount of unrest among the laboring people, because they would naturally reason that if Congress felt they were not getting a square deal from the mills, it would, at least create suspicion, and bring about undesirable conditions that would work against the best interests of the operatives and the mills.

Very sincerely yours,

ALEXANDER MANUFACTURING CO.,
J. R. MOORE, *Treasurer.*

Mr. OVERMAN. Mr. Cramer, the writer of the next letter in order, is well known by the whole country and was spoken of as a prospective member of Mr. Hoover's Cabinet. His is a long letter, and I shall not ask to have it read, but will request that it be printed in the RECORD. Then I shall ask that the 40 or 50 names of others who wrote similar letters, among whom are some of the most distinguished men of my State, be noted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to was ordered to be printed in the RECORD, as follows:

CRAMERTON, N. C., *May 13, 1929.*

Senator LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR: Your favor of the 11th instant to hand. In reply, I beg to say, first, that I thank you, and we all appreciate the interest you have shown in this matter.

Secondly, myself and all the other cotton manufacturers with whom I have discussed the matter object strenuously to any kind of a sectional investigation in one or more States unless it includes all the cotton-manufacturing States in the United States.

We do not object to an investigation in the whole United States, North and South, because we are not afraid of a comparison, but we do object to an examination of one little section that would afford no comparison with the industry in other sections. Everybody knows that wages and living conditions can only be comparative. No one section can afford to do more than another; and I tell you that in my opinion this section of North Carolina, taking everything into consideration, is doing quite as well by the operatives in its cotton mills as any other section in the United States.

I do think, however, that any investigations made during the progress of labor disturbances, especially strikes, are unwise. It only prolongs the difficulty. If an investigation is to be made, I would prefer to

let the local people settle their present troubles, and after that I do not object to a country-wide examination, provided it is thorough, and provided it is not made by prejudiced or partisan investigators.

Again thanking you for your interest in the matter, I remain

Sincerely yours,

STUART W. CRAMER.

The VICE PRESIDENT. The other letters presented by the Senator from North Carolina will be noted in the RECORD, and all the letters will be referred to the Committee on Manufactures.

Mr. OVERMAN also presented letters from the following citizens of North Carolina, opposing the adoption of the so-called Wheeler resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee:

W. N. Reynolds, C. A. Cannon, Julius W. Cone, J. Harvey White, Jos. McD. Gamewell, W. A. Erwin, C. W. Causey, W. R. Odell, Lynn B. Williamson, C. C. Cranford, F. H. Fries, R. B. Knox, Eugene Holt, Charles H. Haynes, J. T. Huneycutt, S. P. Cooper, J. Harper Erwin, and D. D. Bruton.

FORMER SENATOR JOSEPH WELDON BAILEY

Mr. SHEPPARD. Mr. President, with the consent of the Senator from Mississippi [Mr. HARRISON], I present for incorporation in the RECORD the memorial services held in the Texas State Senate in honor of former Senator Joseph Weldon Bailey, and a tribute to him by Hon. W. S. Moore, of Gainesville, Tex.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Senate Journal, Austin, Tex., April 29, 1929]

MEMORIAL SERVICE

At 11 o'clock a. m. the Chair announced that the hour set for the memorial service in honor of the late Hon. Joseph Weldon Bailey had arrived.

Senator Holbrook sent up the following resolution:

Simple Resolution 6

"Whereas Joseph Weldon Bailey, for many years Congressman from the fifth district of Texas, and a member of the United States Senate from this State from March 4, 1901, to January 8, 1913, departed this life in Sherman, Tex., on the 13th day of the present month; and

"Whereas the said Joseph Weldon Bailey has for more than a quarter of a century been recognized by the people of this Nation as one of the outstanding Democrats of his time, and, perhaps, as the greatest orator and constitutional lawyer that has appeared on the stage of action since the early days of the Republic; and

"Whereas though he was born in Mississippi, he came to the Lone Star State while yet a young man, and through a long and distinguished career won for himself an undying fame, and impressed his adopted Commonwealth with a glory which can not be dimmed by time nor chance; and

"Whereas it is the wish of the Senate of Texas to place of record its admiration of his statesmanship and acknowledge to the world its debt of gratitude for the worth-while services he rendered, not only to the people of this State but to those of our common country: Therefore be it

"*Resolved by said senate*, That in the passing of this gifted leader we feel that one of the mightiest defenders of our constitutional liberties has crossed to the unseen shore. With one accord the populace of America can in truth exclaim, 'A tower has fallen—a star has set.' We join with his family and friends throughout the Nation in mourning his sudden and untimely death, but take courage in the fact that his wise philosophy and brilliant teachings will remain as a benediction to light the walks of men; be it further

"*Resolved*, That this testimonial of our affection for him be printed in the Journal, and that a copy of same be mailed to his wife and each of his sons."

By Holbrook, Deberry, Thomason, Cunningham, Love, Russek, Neal, Moore, Wirtz, Pollard, Martin, Parrish, Beck, Woodul, Cousins, Stevenson, Woodward, Williamson, Small, Berkeley, McFarlane, Hardin, Hornsby, Witt, Gainer, Patton, Miller, Parr, Westbrook, Greer, Hyer.

The resolution was read and unanimously adopted by a rising vote.

The Chair recognized Senator Holbrook, who addressed the senate as follows:

JOSEPH WELDON BAILEY, IN MEMORIAM

"When death, with his inverted torch, touched to dreamless sleep the eyes of Joseph Weldon Bailey this Nation in general and this State in particular lost one of the keenest blades that was ever unsheathed in defense of constitutional government in this country.

"It is hard to overestimate the debt of gratitude we owe to this man of genius, who with steady step and sparkling intellect impressed the generation in which he lived with lines of immortality. Take the records if you will from our national history, blot out his brilliant debates in the Senate and in the House, and the works of Madison and Jefferson will become the unmeaning waste of thoughtless chance.

"The very name of this gifted statesman imbues one with a sense of too large a theme to be depicted in song or story. In striving to speak of him as an outstanding man and distinguished citizen of his adopted State, I am lost for want of expression to truly outline the imprint of his imperishable character. In matters of building a lasting government he exercised the watchful care of a Solon or an Alfred; and in the logic with which he defended our original Constitution one is struck with the thought that no greater mind has come to give it correct interpretation since its framers passed to eternal glory.

"After long study and firm conviction it is my opinion that he who would speak worthily of this knightly chieftain should be inspired by a muse of fire that would ascend to the highest heaven of intellectual greatness. He should have the learned councils of the world assembled on his stage and the mighty men of earth join ranks in the march to increase the swelling scene.

"So long as time endures it is my conclusion that the principles he preached will become the shibboleth of men in every clime and of every creed. By his impassioned oratory and magic strength of mind he served to link the present with the past as but few have done before him; and shed a new light and a new hope upon endless aeons of the future. In paying homage to his memory at this hour we proclaim his merits as he lived, in the belief that they will endure as a guiding benediction. We would, indeed, prove ourselves unworthy recipients of the joys which have arisen from his labors if we were insensible to his sacrifices and his achievements.

"The fact that you have paused for a moment to do him reverence testifies to your grateful appreciation of the rare qualities possessed by Joseph Weldon Bailey, and of the manner in which he performed the mighty tasks which fell to his lot. Your reason for paying tribute to the restless spirit of this peerless American is evidence enough that the same thoughts which animated him awakens a like response in your breasts.

"I shall not attempt to sketch his life. The children of America a century hence will learn of it in their schools and around their mothers' knees. It is sufficient to say that it was filled with so many dramatic incidents as to prove that truth is as strange as fiction.

"He was born in Copiah County, Miss., in October, 1863; and amid the most turbulent scenes of the old South he grew to manhood. It was but natural that he should early imbibe the political philosophies of Jefferson Davis, and those intrepid cavaliers who followed the fortunes of the Stars and Bars. He believed implicitly in the Union of States, as set by the fathers for us in this inheritance; but he also believed that the general government was one of limited powers, and that those inherent rights not expressly set out in the Constitution were and should forever be reserved to the States.

"Shortly after reaching his majority he removed to Texas and settled at Gainesville, where he resided during most of his active political career. He took his seat in Congress on March 4, 1891, from the old fifth district, and was successively reelected to Congress from that district until he was elevated to the United States Senate on March 4, 1901.

"He was elected to succeed himself in the Senate, and served until a few months before the expiration of his second term, when he resigned to take his place in private life. He passed quietly from the walks of men in Sherman, Tex., on the 13th day of the present month and in the sixty-sixth year of his age.

"It was fitting that he should 'slip away' amid the scenes of his early triumphs and by the side of some of his best loved friends. If time and space did not forbid, I would detail some of the incidents which placed him among the truly great; but the press of the country and the historians of the future will make them effulgent through all coming time.

"Destiny denied him the highest honors within the gift of his party, but there are those of us now living who believe that he was the greatest Democrat since Jackson, and that he had few equals and no superiors as a constitutional lawyer. His depth of thought and breadth of vision can not be encompassed by the ordinary mind.

"The general application of the doctrines he taught, the obedience to the admonitions he gave in his farewell address to the Senate, and the strict adherence to the simple virtues of his political creed will be the spiritual food upon which the free republics of the world will gain their chief strength and support to the latest generation.

"He wanted his country, and especially the Democratic Party, to which he had given the best years of his life, to remain true to a strict construction of the Constitution. For this special reason he was often found sounding a warning against most of the amendments enacted since the Civil War.

"He repeatedly made the unqualified assertion in Congress that any attempt to change our form of government from its first conception was not to be tolerated, and that the Constitution should never be amended except upon imperative necessity and after careful thought.

"Senator Bailey was as consistent in his efforts as he was persistent. The same spirit of independence which led him as a boy to seek his fortune in the West, carried him to victory in later life at the Na-

tion's Capital in numerous battles affecting the welfare of the Republic. The same power over himself—the same willingness to subordinate himself to things which he regarded as more important—enabled him with his persuasive oratory to enter the arena against the Nation's brightest minds, and to save his country when the interests of its people were at stake. A weaker man might have given his friends less anxiety, but he would have been less useful in those crises which require supreme courage as well as transcendent intellect.

"This friend of ours was a leader among men, who, the stalwarts of Washington will tell you to-day, stood head and shoulders above them all. His talent for sizing up a situation and for reaching quick and accurate decisions in debate proved his real leadership in the Senate; and his surpassing ability as an orator and logician won for him an everlasting fame which neither time nor chance can take away.

"Greater than his silver tongue and his chiseled logic, Senator Bailey was a statesman. Demosthenes has defined the duty of a statesman as one who is able to foresee and to foretell.

"Into this small circle the great Grecian orator who formulated for his own and succeeding ages the rules that govern public speaking, has condensed the distinguished characteristics of a statesman. He must be able to peer into the future and vision that which others are not yet able to discern, and this power rests largely upon a knowledge of the past as well as an understanding of the human heart. A knowledge of the past, valuable as it is, is even less important that a proper estimate of the heart of man. If we know what a man does, we can judge with reasonable certainty what he will do under like circumstances, but if we have a clear insight into his ruling passions, we can judge what he will do under similar impulses in the future, even without an extended acquaintance with his history; hence the poet's statement: 'The proper study of mankind is man.'

"Senator Bailey came within this small sphere to a remarkable degree. He had the prescience to look through the excitement of the hour and judge men by the rules that apply when they are calm and reasonable.

"A statesman must also possess moral courage; and this is quite different from physical courage. There are many who are unafraid in the presence of physical danger but who would quail before hostile public opinion. There are others who would be of little value in a contest of brutal force, who would stand Gibraltarlike in the face of overwhelming opposition.

"Senator Bailey possessed a moral courage that surpassed, if possible, his physical courage. It is not necessary that one shall agree with his judgment on a given issue in order to admire his independence of thought and his willingness under all circumstances to follow his convictions and accept the responsibility of his conduct. It is this willingness to forfeit all, if need be, for what one believes to be right, that makes civilization possible. Truth is always lonely at first, and but for the courage of those who espouse it, its growth would be slow indeed. Only when men are willing to give expression to their thoughts and to defy any opposition that may arise is there prospect for permanent progress. Truth does not fear discussion; it soars triumphant from the conflict of opinions; and these are the factors, no matter on which side victory rests, that count for most in summing up one's earthly career. Senator Bailey had the wisdom to foresee and the moral courage to foretell; he deserves to be ranked among the Nation's immortals.

"If great men would win a fame running beyond their span of years, they must of necessity have a common tie with the masses in their struggles for existence. Even a soldier is made stronger by this sort of sympathy, although military genius has been displayed by warriors on the side of tyranny and oppression.

"Senator Bailey always felt and held a glowing kinship with the multitude; his kindly soul was ever quickened by the pulsation of the world's heart, and, above all, he possessed that rare quality of human nature, without which there can be no true greatness—he had faith; faith in himself, faith in his fellow man, faith in God. He realized as much as any man I know, that one's belief must outrun his intellect if he would be farsighted—that it must grasp 'the substance of things hoped for' and take hold upon 'the evidence of things not seen.'

"It was the influence of faith that caused his friends to lay their trust in him, and he in them. A man is only great in proportion to the service he renders, and he can only serve in proportion to his faith.

"In order to get a true perspective of this friend of ours, who has fallen into his last long sleep, we must necessarily ascend into 'an ampler ether, a diviner air.' He was what I would call a true type of the universal man. He had eyes that could see, ears that heard, and a brain as vivid and as unerring as light itself. In many respects he exceeded all the sons of men that it has been my pleasure to know, in the splendor of his constructive genius. I have seen him in his sweep of thought build governments and tear them down at will. He caused the great orators of the past to march before the multitudes of the present, and in his golden voice one could vision the verdant notes of a Cicero or a Webster. With Pericles he reviewed the progress of Greece, and from the jagged cliffs 'round Athens he sat and heard the reverberent tones of her mighty orators. He saw Agrippa charmed by the eloquence of St. Paul and reviewed the Roman senators in the transcendent glory of their passing power. He sketched a true picture of Cæsar with his legions in the field and caught the first glimpse of liberty in the charter which was wrested from the hands of King John. In his dreams and in his waking hours the governments of earth were accurately drawn, and with deft tongue and invective logic it was his wont to shadow forth the virtues of those which he conceived to be of most benefit to the peace and happiness of the world. He never tired in this; and I believe that his most noted contribution to the cause of mankind will be found in his unwavering defense of our early American Constitution, and especially of those inhibitions placed against the Federal Government in the Bill of Rights. These to him were the mud sills upon which the rights and liberties of the individual citizen rested. To him a disregard or failure to preserve them meant the final destruction and disunion of the States.

"Finally, let it be said, though kingly and courtly, he never lost the common touch of men. He never considered himself of higher cult or class, but was satisfied to be counted among the plebeians of his day. But he was more than that—he was a commoner of the highest type. His fine devotion to the general welfare of the State was more than matched by his scorn for the demagogue and shabby opportunist. He used his time as he passed this way to a fine advantage and impressed upon every hour that he lived the seal of faithful service.

"In the Senate of the Nation time will accord him a place by the side of Webster and Clay and those other immortals who glorified the pages of its early history. By sending him as their representative to this high tribunal the people of Texas gave him opportunity not only to record his matchless fame but gave added luster to the Lone Star, which emblemizes our State in the sisterhood of this Union.

"He has fallen asleep, and we shall know him no more in these councils; but, heartened by his example and strengthened in our behalf that we shall 'reap if we faint not,' let us hope that he has found peace in a world where death comes not, where the partings shall be temporary, and the meetings shall be eternal.

"This statesman has been mustered out,
His rest was nobly earned;
An echo now in life's wild shout,
Since homeward he has turned.

A sweeter music melts his heart,
In welcomes loud and long,
That angels can alone impart,
In glad, rejoicing song.

This day, in fancy, we can view
A scene replete with grace,
On glory's field, this good friend true,
Clasp hands in fond embrace.

No grand distinctive mark he bears,
And yet, they knew his worth;
The stamp of God's approval wears
This gallant man of earth.

Not his the soldier's envied scar,
Unarmed he fought for right,
With justice for his guiding star,
In duty's endless fight.

And ever may his record tell
To countless ages still unknown,
The story of a life lived well,
For God, for country, and for home."

On motion of Senator Martin, the address was ordered printed in the Journal.

Senators Wirtz, Berkeley, Love, Woodward, Miller, DeBerry, Hornsby, and Martin briefly expressed their appreciation of the late Senator Bailey.

The Chair invited Representative Harry Graves to take part in the service on behalf of the house, which had adjourned for the occasion.

The Chair introduced Mr. Graves, who briefly addressed the senate in appreciation of the late Senator Bailey.

The Chair asked Judge E. R. Sinks, of the house of representatives, to address the senate. Judge Sinks briefly addressed the assemblage.

The Chair invited former Senator John H. Bailey to address the senate. Senator Bailey briefly addressed the assemblage.

Senator Holbrook received unanimous consent to have read the following letter from the Hon. Lon A. Smith, Texas railroad commissioner.

RAILROAD COMMISSION OF TEXAS,
Marlin, Tex., April 27, 1929.

Hon. T. J. HOLBROOK,
Austin, Tex.

DEAR SENATOR: The abiding type of friendship which bound my heart to the great heart of Senator Joseph W. Bailey demands that I give some humble expression of loyalty to my friend.

I believed implicitly in his courage, equal to that of an Andrew Jackson; I worshiped at the shrine of his peerless patriotism, not surpassed by that of a Sam Houston; his splendid statesmanship placed him easily in the class with Webster and Calhoun. The golden glory

of his matchless eloquence was not surpassed by a Prentice or an Edmund Burke.

His power to think in a straight line and the ability to couch his thoughts in language impelling gave him first place as an orator on the American forum. One never tired of listening to the well-coined words, flowing with eloquence as musical as the song of the brook as its crystal waters sweep on to the sea. One listened to this inspired thinker because he had a message always attuned to the great heart of the public. He spoke as he lived, from a most lofty eminence. The doctrines he promulgated were based upon the sound principles of American thought and practice. There was a charm in his manner, captivating. There was a music in his voice, falling like the soft moonlight. There was a pathos in his soul at times, revealing the great common heart of the man.

He reached the highest heights of fame's dazzling pinnacle as an exponent of the doctrine of State rights. He knew law—State and national. While a great lawyer, he was more a commoner like Clay and William Pitt.

Our tribute seems so meaningless now, since the proud oak who lifted his stately head above others lies low in the forest; since the great intellect, independent in action, aggressive in execution, no more leads his fellows; since the brave, unconquerable spirit, proud without haughtiness, inspires only as a memory, fragrant, eternal. The oft-quoted lines of Goldsmith, in The Deserted Village, reverberate in the chamber of memory:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay."

We will not be permitted again soon to look upon a man so charming in personality, so lofty in soul, so sympathetic with the people, so brave a knight, plumed always for battle, sublime in victory, defeated only in death, but whose soul has found kindred spirits in Heaven's eternal company of the redeemed.

Most truly yours,

LON A. SMITH, *Commissioner.*

[Reproduced from Gainesville (Tex.) Daily Register in Dallas Times-Herald, Tuesday, May 7, 1929]

A GREAT OAK HAS FALLEN

By W. S. Moore, of Gainesville, Tex.

A great statesman has passed to his reward; a magnificent career of earthly achievement has ended, and a noble character has been blended into eternity. These are not words of fulsome praise but a simple statement of truth.

On April 15, 1929, there was laid to rest in Gainesville the mortal remains of Texas's most distinguished son and the most illustrious citizen Gainesville ever had. In many particulars Senator Joseph W. Bailey was without a peer. In the field of government no man had a clearer, broader vision or a greater grasp of the fundamental principles of a free government. His statesmanship was that of Jefferson; his eloquence was that of Burke and Pitt and Webster; his iron will and courage were that of Jackson, and his splendid chivalry was that of Lee; in ability he was without a superior and his character, both public and private, was as lofty as his ability; his personal magnetism and charm were far beyond that possessed by the most outstanding men of his time.

While not, perhaps, in the narrow sense religious, yet Senator Bailey felt, professed, and practiced the true religion of humanity far more scrupulously than many of those who presumed to judge him. I recall that more than 20 years ago, while attending the funeral of a friend of his, both personal and political, Mr. Bailey arose from his place in the audience and, speaking of his dead friend, in substance said: "I do not know what his religious belief was or to what denominational faith he anchored his hope, but I do know that I have been with him in many a hard-fought political campaign; I know that he was courageous; that he was brave; that he was loyal to his convictions, and that he loved his friends, and for such a man I believe, with the old pagan philosopher, that there is a well-defined place of rest."

BAILEY'S EARLY DAYS

My earliest recollection of Senator Bailey was while he was serving his State in the lower House of Congress. He was then in the splendor of his magnetic youth and measureless ability, and from which he moved with easy effort to success and to the very pinnacle of popularity not only in his adopted State but in the Republic as well. At that time it might truly have been said of him that he was as handsome as Apollo, as brave as Cæsar, as eloquent as Demosthenes, as proud as Lucifer, and as pure and unsullied as Henry of Navarre.

Many people hold the view—and I have always shared that opinion—that in point of pure eloquence Mr. Bailey was without an equal. His grasp and understanding of any subject or problems which he undertook to discuss was the grasp of the master; clearly comprehending his propositions, he stated them with unexcelled diction and with a clearness and mastery which goes only with outstanding ability. In the many addresses that it was my pleasure to hear him make I never knew him to hesitate for the use of a word or an apt expression, and his language flowed in a stream of uninterrupted and pristine purity which was nothing short of wonderful. He was the master of epigram and frequently, both in his public speeches as well as in private converse, used it with most telling effect. Logic was his servant and his argument was both eloquent and overwhelming. When he so desired, he could use the weapon of sophistry as few men could use it, but to his credit it may be truly said that he never used this weapon for any ulterior purpose but only in the defense of justice and right.

In his political career Senator Bailey was the victim of malicious criticism; in fact, a few little and envious men of the small-bore political variety harassed and tormented him for many years with such means as that kind and character alone can employ. By these he was pursued with an unparalleled malignity, and for these he had a just contempt. However, not all of those men who were generally styled as Mr. Bailey's enemies were of the class and type above referred to. Many good and honest men were deceived by the misrepresentations of the malignant few. It must not be said, in fact, it can not truthfully be stated, that all men and women who opposed Senator Bailey and his views were of the malicious type, because many noble men and women did oppose him, but in opposing him and his views they yet respected him for his great ability and independence, and he respected them. There was another class of citizens who disagreed with Senator Bailey and who were at the same time unable to give him credit for political or personal honesty. This was the result, in some degree, of the spirit of littleness and the lack of a sense of fairness, but in a larger measure this feeling and attitude of disagreement with the Senator's governmental views was due to the lack of ability to understand and appreciate the broad scope and grasp that Mr. Bailey had of the fundamental principles of government. Senator Bailey thought in broad principles and dealt with the fundamentals, while this class of his critics was concerned with mere details and was largely incapable of comprehending the broader view.

STATE RIGHTS ADVOCATE

This may be truly said of his views on national prohibition and national woman suffrage and on other matters of national legislation which involved an invasion of the rights of the State—the old southern doctrine of State rights. In all these matters Senator Bailey thought of and treated them in the fundamental sense and as an underlying principle of our Government, while his critics in assailing him adopted the superficial and narrow and destructive view which aimed at immediate and superficial results alone. Thus was Senator Bailey misjudged and misunderstood. But, to be great, to be above the herd, to have the independent view and the courage to express and defend it, to follow independent and honest convictions, and not float with the tide—to do all this is to be misunderstood.

God and nature gave Mr. Bailey a wonderful talent. This he cultivated and multiplied generously. Around it he built a great character. His mind was the storehouse of great thoughts and he ably and courageously defended them. His ability, character, and courage were the genii with which he rose from earthly glory to fame and immortality.

Senator Bailey's wonderful career can not be detailed within the limits of this communication, but it stands as an inspiration to the young men of the Nation and all men who love a free government and cherish the principles which make it secure.

I can not close this simple and halting tribute to a great statesman, to a high and noble character, to one who has wrought far better than he knew, to one whose work has not been in vain, to one who suffered from misrepresentation and malicious criticism by timeservers as only the great can suffer, and to one who honored me with his friendship, without adding a quoted encomium on the life of another great southerner in the following language:

"I have seen the gleam from the headlight of some giant engine plunging onward through the darkness, heedless of opposition, fearless of danger, and I thought it was grand. I have seen the light come tripping over the eastern hills in glory, driving the lazy darkness before it, till leaf and tree and blade of grass glittered in the myriad diamonds of the morning's ray, and I thought that was grand. I have seen the lightning that leaped at midnight athwart the storm-swept sky, shivering over chaotic clouds, 'mid howling winds, till cloud and darkness and shadow-haunted earth flashed into midday splendor, and I knew that was grand.

"But the grandest thing, next to the radiance that flows from the Almighty throne, is the light of a noble and beautiful life, wrapping itself in benediction around the destinies of men and finding its home at last in the bosom of the everlasting God."

FIELD EMPLOYEES OF THE CENSUS BUREAU

Mr. WAGNER. Mr. President, I ask unanimous consent that two letters addressed to me by the Civil Service Commission may be printed in the RECORD and lie on the table.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 7, 1929.

Hon. ROBERT F. WAGNER,
United States Senate.

MY DEAR SENATOR WAGNER: The commission is pleased to observe your amendment to bill S. 312, to provide for the fifteenth and subsequent decennial censuses, providing that the census field force shall be subject to the civil service act.

The census act for the thirteenth census required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000 and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their place of residence. The results of the application of the merit principle in the thirteenth census appear to justify the belief that the same system should be followed in the selection of the personnel required in the fifteenth census.

The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census and that where necessary exception could be made from competition by action of the commission.

Your amendment is, therefore, favored.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 10, 1929.

Senator ROBERT F. WAGNER,
United States Senate.

MY DEAR SENATOR WAGNER: The commission refers to your inquiries with respect to the probable results of the enacting into law of your proposed amendment of the census bill for the civil-service classification of special agents, supervisors, enumerators, and interpreters, and has the honor to furnish the following information:

It is not the view of this commission that the placing of enumerators and other census positions in the service classified under the civil service act of 1883 would make it necessary to incur the expense and delay incident to the holding of special examinations for making of temporary appointments as enumerator. The work of enumerators is of such short duration as to preclude the desirability of holding any special examinations for such positions. Furthermore, the civil-service rules are flexible and elastic enough to permit the filling of enumerator positions without the holding of any special examination therefor. One of the civil-service rules provides for the making of temporary appointments for purely job work without examination when existing registers are insufficient to meet the needs of the service. However, it is estimated that there are about 65,000 eligibles on the various field registers of the commission throughout the United States which could be utilized as far as practicable in assembling the enumerator forces of the next decennial census.

The relative efficiency of the approximately 65,000 eligibles referred to above has been tested for the performance of clerical duties by open competitive examinations, and their names are arranged in the order of their average percentages awaiting vacancies which may occur in permanent positions. These employees would doubtless be available in considerable numbers for the work of enumeration without interference with the purposes for which they were originally examined. They constitute a qualified force of men and women. For the remaining vacancies temporary appointment without examination would be authorized.

From a civil-service viewpoint there remain the more important positions of special agents, supervisors, and supervisors' clerks, who are likely to be employed for periods from several months to a few years, and upon whose education, training, and general fitness the accuracy of the census will largely depend. For these positions the commission believes it can effectively and economically furnish qualified eligibles.

The commission's examination machinery is such as to develop the particular kind of officers and employees required for any work to be performed by the Government better than any other existing agency. The commission's examinations are not all purely scholastic, but in proper cases are based on those elements which determine the organizing and executive capacity of candidates for administrative positions. For such positions the experience and accomplishments of the candidates along similar lines are of paramount importance and form the principal part of the commission's examinations. The commission would necessarily confer with the Secretary of Commerce and the Director of the Census to determine the particular qualifications which would be required for the special positions mentioned, and practical examinations would be given in such cases.

The age limits of applicants for any special examinations which may be held for the census work would be determined in conference with the Secretary of Commerce and Director of the Census. Generally, it may be stated that the age limits would be fixed so as to preclude the appointment of those persons only who are not physically able to perform the duties of the positions to which appointments are to be made.

The proposed amendment that all appointments in the fifteenth decennial census be made under the provisions of the civil service act and rules would impose no new or unusual duty upon the Civil Service Commission, as it is now required to hold examinations for positions requiring special, professional, or technical qualifications, and it is believed that the amendment, if adopted, would result in a more accurate census, as the employees appointed after a test would constitute a class superior to an equal number appointed without such test.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WAGNER:

A bill (S. 1128) for the relief of Edwin P. Hulsberger; to the Committee on Finance.

A bill (S. 1129) for the relief of John Shannon; to the Committee on Military Affairs.

A bill (S. 1130) to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. REED:

A bill (S. 1131) to provide for the care and maintenance of the Guilford Courthouse National Military Park; and

A bill (S. 1132) to authorize the charging of transportation costs on Quartermaster Corps supplies, equipment, and material to the appropriation from which such supplies, equipment, and material were procured; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 1134) granting a pension to William G. Thomson; and

A bill (S. 1135) granting an increase of pension to Hubert L. Bassett; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 1136) granting an increase of pension to Elizabeth Contz; and

A bill (S. 1137) granting an increase of pension to Amanda Thompson; to the Committee on Pensions.

By Mr. CAPPER:

A joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States relative to aliens; to the Committee on the Judiciary.

AMENDMENTS TO THE CENSUS BILL

Mr. PHIPPS submitted three amendments intended to be proposed by him to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which were ordered to lie on the table and to be printed.

INTERNATIONAL PAPER & POWER CO.

Mr. WALSH of Montana. Mr. President, on the 4th instant I submitted Senate Resolution 53, calling upon the Postmaster General for certain documents, and I now inquire of the Chair whether or not those documents have been received?

The VICE PRESIDENT. They have not as yet been received.

THE RURAL SCHOOL

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD an article on The Rural School, by Jerome Judd, before the town school committee of Kent, in Connecticut.

I noted with interest the other day that the new Commissioner of Education is opposed to the old-fashioned school of one room and one teacher, and it seemed to me that those who are interested in the question might with profit read this very interesting argument from an old-fashioned school-teacher.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RURAL SCHOOL—JEROME JUDD PROTESTS AGAINST CONSOLIDATION

(On August 8, 1927, Jerome Judd, of Bulls Bridge, made an address before the town school committee of Kent, which created so much comment that several have requested it to be published. The address was delivered extempore, and below is a summary of the points made by Mr. Judd.)

Mr. Chairman, I am not going to set the river on fire. I am not going to run it the other way. I am not going to reverse the earth on its axis. I am not going to do anything wonderful. I am not going to say anything wonderful. I am not going to say anything that will cause you to change your minds. I realize that your minds are made up not to restore to us our rural schools and that there is nothing that I can say or do that will change the situation.

I also realize that this idea of centralization is not going to stop with schools. It is going to extend to matters other than schools in the town, in the State, and in the Nation, and unless it can be stopped, in the end it means the destruction of the United States of America. I know that there is nothing that I can do to stop it, but I want to feel that I at least uttered my voice in protest. I want to feel that none of the blame for this great crime can ever be laid on my shoulders.

I suppose you will think it strange that I seem to be interested in the matter of schools. It is indeed true that I have no children, and for that reason and in so far as any purely selfish reason can go, I would not give a snap of my fingers to have you restore our rural schools. But I think I can find at least two reasons why I should be interested and why every red-blooded American should be interested when he sees such a calamity and such a crime descending upon our town, our State, and our Nation. And I also think I can understand in part how these mothers feel about it.

Mr. Chairman, if you could only realize the mental agony that these mothers suffer upon beds of sleeplessness at night, you could never steel your heart to such cruelty.

My first reason why I am interested is that I am a taxpayer, and I think I am a good, big one. The year that we all paid the most taxes I paid between $180 and $190 in taxes. None of us has paid so much since, but I think I pay taxes enough to be entitled to a voice in the matter.

Now, I suppose you will tell me that you transported the children last year for less than you could have operated the schools, and I am not in a position to dispute your word, but I am sure that you will have hard work to make the people in the outlying districts believe it.

However, for argument's sake suppose we say that you can save money by transporting the children. In that case as a taxpayer without children I am ready to tell you that if you will restore to us the schools of our fathers, the schools that have made America great, the schools that have produced great statesmen in the past, the schools that have turned out honest, hard-working, God-fearing men and women, and the schools that have produced only a very small percentage of evolutionists, false scientists, schemers, socialists, Bolshevists, radicals, and reds—if you will restore to us the schools that we consider the true type of American schools, and it is necessary to cost more—in that case you may increase my taxes by just as big a per cent as the majority of the interested people are willing to stand for. And I am sure that there are plenty of others without transportable children who are patriotic enough to be willing to pay more if necessary in order to save our rural schools.

We have spent so much money for foolishness that it seems to me that we can afford to spend a little more for something really worth while. We have already saved enough to pay for a part of it by neglecting that road between Bulls Bridge and the New York State line. That road has been a disgrace for several years, it is never in the best condition, and in the muddy season in springtime day after day, car after car gets stuck in the mud and some one has to go and pull them out. What we have saved by neglecting that road ought to go a long way toward restoring our schools.

I suppose you will tell us that we have not children enough for schools at Bulls Bridge, South Kent, and Ore Hill. Well, by that same way of reasoning you have not children enough to transport. You have not enough for a load. It may be true that we can hire some one to carry half a load for a shade less than he would carry a full load, but the difference would be only slight. It takes the man's day just the same.

There must be about half a dozen children now at the Bulls Bridge school and there will probably be two more another year, but if they were only one and you had your choice either to furnish a school or transport, it would seem to me that unless the difference in cost was great, it would be better to do that which would be better for the child. If we are so insignificant that we are not worthy of schools in these school houses all ready for occupancy, I believe it would suit the mothers better to have you ignore us entirely rather than force them to send small children 4 miles in a bus to be gone all day.

You may tell us that the State board has made a rule that there must be a certain number of children in order to have a school or otherwise be transported, and you hasten to tell me that it is not a sumptuary rule or law either. Well, if it can not be exactly defined as such, how much does it lack of it in scope, character, and effect? I suppose you know how in all ages, men have detested sumptuary laws, how hard it has been to enforce them and that in some cases they could not be enforced at all.

But you may say, "Well, the board had a legal, technical right, anyway, to make the rule." Well, I am sure I don't know. Not long ago I was in conversation with a lawyer, and asked him his opinion on that point. He said he did not know, either. He said he could not tell what the decision would be if the matter were carried to the highest court. But let us waive that point. Let us say that they had a legal technical right to make the rule. Well, so did the King of France have a legal technical right to revoke the edict of Nantes. But where is the man who will stand before you and say that he had a moral righteous right before God to do it? Wouldn't you like to see such a man and look him in the eye. You will agree with me that such a man would be a fit companion of Judas Iscariot and Benedict Arnold.

In connection with this matter of the State board I would like to say, Mr. Chairman, that at the town meeting some time ago I heard you say that the State pays 65 per cent of the teachers' salaries, and that therefore the State should have a lot to say about the schools. Now I suppose you meant that their 65 per cent comes from Hartford. If it comes through the hands of State officials and neither you nor I, Mr. Chairman, believe that that money comes from the private pockets of those men. Not on your life. But it does come from the public funds of the State, and neither the town, the State, or the Nation has any way to get money except by some form of taxation. There are different forms of taxation, but all forms are taxation and all taxes are paid by the people. In the end every penny of that 65 per cent comes out of us poor worms right down here in the dust.

Who is the state, anyway? Louis XIV said, "The state, the state! Why, man, I am the state." And he spoke the truth. He was the state. His will was law. But are we willing in the United States, since 1776, to say that the will of any one man or of any one body of men shall be law, contrary to the will of the people? The town board, the State board, the legislature, the governor—these men are not the State. They are only the servants of the State. The people are the State and if our servants do not do our work as we wish it, it is supposed that we have the right to discharge them and hire others in their place. By an overwhelming majority, the people of the town, the State, and the Nation are opposed to the consolidation of schools and the transportation of children. If you do that which we do not want done, you misrepresent us. If you misrepresent us, you do not represent us, and if you do not represent us and we pay taxes, we have taxation without representation—the very thing for which we fought the Revolutionary War. Under English rule we had taxation with misrepresentation. Now it seems that we have taxation with no representation, which is worse, and in this one matter we are worse off than before the Revolution.

Yes, it is true that the State pays 65 per cent of the teachers' salaries, because it pays more than that. The State pays 100 per cent. The State pays all and therefore the State should have all to say. The people are the State—the people pay all and therefore the people should have all the say, and by an overwhelming majority the people of the town, State, and Nation are opposed to consolidation and transportation.

If you succeed now in fastening these fetters upon us and this idea of centralization extends, as it probably will, to other matters in the State and Nation, you will be forging chains for your own and your country's wear later on. How do I know this? I know it for two reasons. First, history repeats itself and like causes produce like effects. Look at ancient Rome. Centralization reached its culmination under Cæsar Augustus. From that moment the doom of Rome was sealed. There you have a picture of what centralization will do for the United States.

Secondly, I know it because I believe there is a God in heaven. I believe the Bible is the word of God. Some do not. Some believe in evolution. I believe in the Bible and I do not believe in evolution, and the Bible says as plainly as language can say anything: "Be not deceived. God is not mocked. Whatsoever a man soweth that shall he also reap." As surely as there is a God in heaven, if you now sow the seeds of centralization, later on you and your country will reap the fruits of centralization. What seems to be impossible sometimes happens. Nebuchadnezzar said, "Is not this great Babylon that I have built?" But Babylon was taken.

The inspired prophet said, "No one would have believed that all the armies of the world could have taken Jerusalem." But Jerusalem was taken. No one would have believed that mighty Rome, with her invincible legions, the proud mistress of the world—no one would have believed that mighty Rome could ever be destroyed. But centralization did destroy Rome, and centralization can destroy the great United States. It can do what the combined fleets and armies of the world could never do. It was the one thing after the Revolution that Patrick Henry fought with all his eloquence. He seemed to think that he could see beings on a higher plane of existence looking down and weeping over the woes that centralization would bring to his country and to the world.

But I promised you two reasons why I am interested.

My second reason is that I like friends rather than enemies and I am willing to go out of my way to get and keep friends. I am reminded of what I heard a man say in a speech in Waterbury. He said he was willing to go out of his way to get friends if he could do so without sacrificing principle, but that if he must do that then he preferred enemies and many of them, and he wanted them to do their worst. I know that my friends and neighbors, as well as a majority of the people, want their rural schools, and when their cause is so righteous as this I want to be on the side of the people. You must not suppose that because the people of New York and Pennsylvania seem to be the only ones who are fighting for their rights that they are the only ones who want their rights. I understand that Vermont and Massachusetts are beginning to wake up, and I wish that Connecticut would. I am told that in many cases in New York and Pennsylvania the people are saving their schools even when there are only four or five pupils in a school.

I do not think that this is a question of what is good or bad for us. I do not think that should enter into the equation at all. But it is a question of what the people want. We are a sovereign people, and if we want that which is bad, then we should have a right to have that which is bad.

But the people do not think that small schools are bad. They think they are better. Let us see if we can find some reason why the people think small schools are better. The people think small schools are more efficient. I think so for two reasons: First, when I was a boy in my teens I was attending school at the Bulls Bridge school. I was so much interested in my studies that I scarcely wanted to talk about anything else at home, and the people got tired of hearing me.

The school was small and if I got stuck in my arithmetic and raised my hand the teacher had time to come down to my desk. He would give me a few points, but make me do the work. That kept me interested. I preferred to keep at work rather than throw paper wads or whisper. But my father wanted to give me a better chance, so he took me out of the Bulls Bridge School and sent me to New Milford, where I had to be boarded, in order that I might attend the big Center School and where I had to pay tuition. There the school was large. If I got stuck in my arithmetic and raised my hand the teacher would say, "Well, Judd, what do you want?" "Here is something that I don't understand." He would say, "Bring it to the class to-morrow. I have no time between classes." Then, not knowing how to go on with my work, I had plenty of time to whisper and throw paper wads, and like the rest of the school I did it. We did not have nearly so good order as we did in the small school. The next day when I came to the class perhaps I would find 10 or a dozen others who wanted things explained and a part of us always got left. Not one of us made the progress that we did in the small school.

My second reason for thinking that small schools are more efficient is that for 15 years I was a district school-teacher in the towns of Kent and New Milford. I had various-sized schools, from 6 to 45. At one time I had 45. At one time in this very room. I know that other things being equal I can do more for each child in a small school than in a large one. I can hoe 1 acre of corn better than I can hoe 10 acres, because I will have more time to devote to each hill. In a small school I have more time to get down into the individual life of each pupil.

Another reason why the people prefer small schools is that they believe small schools do less damage. In any school of any size no teacher can keep his eye and ear on all the pupils all the time. They get together on the playgrounds and in the toilets and teach each other things that they had better never know. What one can not think of another will and the result is vile language and vile poetry, if not vile practices. There will be enough of this in any school, and the larger the school the more there will be of it. Ask any parent who has sent his child to both kinds of schools and he will readily tell you where his child learned the more "freshness." A part of the duties of the schools should be to make good clean American citizens.

You have never injured a child in transportation and I don't believe you ever will, but I do not know that you never will. I have read several cases where children were injured in transportation, two were killed and one little girl was injured for life. The father sued the town and got a judgment of $15,000. The case was carried to a higher court and the judgment was sustained. The town must pay the little girl $15,000. Here was an injustice all around. Fifteen millions would not have been enough for the loss of the little girl's limbs, and it was unjust to the taxpayers, because they did not want the children transported, and when the damage was done they had to pay for it.

I don't believe you will injure any children in transportation, but if you don't transport them I know you will not.

There probably is danger on any school ground, but the schoolhouses at Bulls Bridge, South Kent, and Ore Hill are not on the State road. They are much safer from traffic than the big school ground here in the village. I heard you say, Mr. Chairman, at the town meeting that you expected to hear almost any day that some child had been killed near this playground. You were advocating a new school building in a safer place. But we don't know yet whether we are to have it or not. If we do get it, it will be in a safer place for a while, but traffic is increasing and in a few years that situation will be as dangerous as the present one now is. Children that live near the village must come to the Center School, but suppose you kill some child that could have been left in a rural school, and your vote sent him here, how will you feel about it?

At the present time all possible precautions to prevent disease are supposed to be taken, but, in spite of everything, disease sometimes comes. You can never tell when we may have smallpox, scarlet fever, measles, mumps, diphtheria, or any one of a dozen diseases. If you have the children all here in the Center School and disease comes, you have to close the whole school. If you send the children to their homes they have been exposed and you don't know how many houses you will have to quarantine all over the town. If you leave as many children as possible in the rural schools and disease attacks any one school you can close that school and leave the rest in operation. There will be a small number of exposed children to carry disease to the various homes. Then, too, it would seem to me that disease would be less apt to break out in small schools than in a large one where many are congregated together.

Fire is a danger that was much talked about at the town meeting. Well these rural schools mentioned are all on the ground floor. There are a plenty of windows and a door. There is very little danger that a fire could start in any of them and if one could possibly start, it would have to be where it could be seen in its beginning. The only way that you could possibly burn the children would be to nail the windows down and then stand at the door with a club.

At the town meeting it was stated that some State official had condemned the Center School building as a fire trap and laid especial stress on the fact that here is a lack of proper fire escapes. Of course, fire escapes should be put up and it should be done without one day's delay because fire escapes have sometimes saved lives but they have not always done it. Let me tell you of a case when they did not save all lives.

I was in Waterbury at the time of the big fire. On the night that it was at its worst I did not dare stay in any building. I dressed as warmly as I could and got into the street. I never saw the wind blow any harder. It took huge masses of burning roofs long distances and dropped them on other roofs. These in turn sent burning masses to other roofs. Fire was on all sides of me. The firemen of the city and surrounding places could not make any impression on the flames. The streets and sidewalks were strewn with furniture of all kinds and men and teams were vainly trying to get it to places of safety. People were tumbling over each other. Some were fighting, some were crying. Some were praying, some were swearing. I never saw such a scene before and I hope I will never see another. I can never forget it to my dying day. It made me think of the day of judgment. After a time the soldiers came. At the point of the bayonet they drove us all back and established lines.

One of the buildings that was burned was a large hotel, and it had a plenty of fire escapes. Most of the people got out but all did not. I don't remember how many, but some were burned in spite of fire escapes.

In the big school it would be possible to burn children even with fire escapes. In the small schools you do not need fire escapes because the children are all on the ground floor.

We do not expect a fire but there may be one, and children burned. Those children living near the village must come to the Center School, but suppose you burned just one Bulls Bridge child—just one South Kent child—just one Ore Hill child—that could have been left in the rural school and your vote compelled that child to be in the big school, how would you feel about it? Would you ever take one minute's peace or comfort as long as you live? Not on your life would you. To your dying day that scene would haunt you. In your dreams, on your bed at midnight that whole scene would be reenacted. You would hear the fire bell ring. You would see and hear the firemen as they rushed to the scene. You would see the hose—the streams of water, the dense smoke—the terrible flames. You would see the children through the windows struggling to get to the fire escapes, stamping each other down and maiming each other. You would hear the commotion and you would hear those terrible screams that seem to pierce your very soul. Oh, your heart—your heart; oh, your breath—your breath; oh, the cold, clammy sweat. Oh, the horror—the horror. By and by there comes a crash. My God, the roof has fallen in. The screams have turned to groans. By and by all is still. Streams of water from firemen's hose are playing on the ruins.

Mr. Chairman, this is too horrible to think about. Let's think about something else. I don't believe you are going to burn any children at all and if you do, it would be no worse to burn a Bulls Bridge child than any other. I don't believe you will burn any Bulls Bridge children, but if you leave them in their small school I know you will not because you can't, and there will be so many less to stamp each other down in case of fire at the big school.

During my 15 years' experience as a district school-teacher, I often had a child taken sick on my hands. If he were only a little sick I sent him home alone. If he were a little worse I sent another child with him

to see that he got there. In case of serious sickness I could have sent for his parents to come and get him.

If you bring the children here 4 miles from home and one is taken sick he must stay here till the bus goes back at 3 o'clock. By that time, if he has pneumonia, you may need the undertaker.

Here you have a nurse, a cot bed, bandages, medicine, and liniments and you are within striking distance of a doctor, but there are two things that you have not got—you have not got home and you have not got mother. The child has confidence in mother and mother has love for the child.

Let me tell you two true stories to illustrate this confidence and this love.

Napoleon Bonaparte was the greatest general that ever walked this earth. His soldiers idolized him. If he could have one soldier every time his enemies had four or five and other things in proportion he would whip the stuffing out of them. It was his custom after each battle to go over the field and with his own hands help care for the wounded and dying. He would often say to them, "Would God I could suffer for you."

After one great battle and after he had sent the enemy flying from the field he went over the ground as usual to help. He found a surgeon trying to cut off a man's leg. The leg had been mangled by a shell and it was necessary to cut it off, but the soldier was resisting. Nalopean said, "Man, why don't you let the doctor cut off the leg? An old salt who has followed me in all these battles ought not to be afraid of a little pain."

"Your Majesty, I am not afraid of pain, but you know cutting off a leg is dangerous."

"Well, suppose it is dangerous. An old salt like you ought not to be afraid of danger." "Your Majesty, I am not afraid of danger, but it may cause death." "Well, suppose it does cause death. An old salt that has faced bayonet charges and charged right up to the cannon's mouth should not fear death."

"But your Majesty, if I die what is going to become of Mary and those two little boys back there in France? Tell me that."

"Well, suppose it does cause death? Don't you think I will care for Mary and the two little boys?"

That was enough. The dying man turned to the surgeon with the words, "Doctor, cut off that leg."

That story illustrates what confidence will do. The child has confidence in mother that he has in no other person.

Now, let me illustrate mother love with a true story.

Some years ago in a little village between here and New York lived a poor man. He had a wife and family of six small children—the oldest only about 9 years old. The wife was taken sick and died, leaving all those small children on her husband's hands. The man had the sympathy of the whole community. The people of the village assembled at the church for the funeral. The man and his children sat in a front pew, with the casket containing "Mamma" just in front of them.

The service went on with all its solemnity, but it didn't get far before a childish voice cried out, "I want my mamma—I want my mamma." The father tried to hush the little tot, but it was useless to try. The little tot kept crying out between sobs and spasms, "I want my mamma—I want my mamma." Sobs were heard on all sides, and there was not one dry eye in the church. The service had to halt, for the minister broke down. This was an extreme case, but it shows what mother love is like.

Now, when a child is sick he wants mother and mother wants the child and neither wants to wait until 3 o'clock and no after explanation will ever satisfy mother.

Now, Mr. Chairman, if to all my other arguments you must turn a deaf ear—if to all others you must harden your heart to the hardness of adamant—I want to ask, for the sake of mother and child—in the name of justice—in the name of mercy—in the name of righteousness before Almighty God, as you must one day stand before God, in case of sickness without waiting for 3 o'clock—may the child have mother and may mother have the child?"

ADDRESS BY COL. ROBERT N. HARPER ON PERMANENT STATE BUILDINGS

Mr. SWANSON. Mr. President, a few days ago Col. Robert N. Harper, one of the most prominent citizens of Washington, who is interested in civic matters, made a radio address of 10 or 15 minutes in behalf of each State having a permanent building here in Washington. The address is short, but is very interesting, and I should like to have it printed in the RECORD, in order that Members of Congress may read it.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

With my enthusiasm on civic matters I shall ask your indulgence for a short time by drawing, as graphically and practically as possible, a word picture as to what I believe a permanent State building for each State would mean to the State and also to the Federal Government as a whole, if and when erected where the people of the entire world may see and admire, and thereby redound to the greatest advantage to the people of America.

I desire at the outset to make myself clear that this is not a spasmodic thought of mine for the moment, nor the creation of an erratic personality for the limelight advantages or specific emulations for me above that of any other citizen who desires to do something for others.

My purpose in suggesting the erection of permanent States' buildings in or near the District of Columbia is intended solely to maintain for all times at the seat of our National Government a creditable exhibit of the natural resources as well as the manufacturing, agricultural, scientific, and historical developments of each State from the time it first became part of the Union to the present day, and onward, year by year, as the creative power of man may develop.

My greatest ambition at this time and in this connection is to attract favorably men and women in official life and influence who are looked upon by those they represent as capable by intelligence and responsibility intrusted to them to use their official position to foster and promote the best interest of to-day and to-morrow which has been made possible by the accomplishment or development of yesterday.

If our national, State, and local legislators would recognize this one responsibility, then our future greatness is not only assured but immeasurably enhanced.

Our National Museum deals with our civilization from the standpoint of the archæologist as a dead thing. These State buildings would be a demonstration that our civilization is a live and going affair, something to work for, to live for, something to develop and strive to perfect. No such museums now exist and they would be of incalculable value to all our citizens in showing to the world at one central place the achievements of the American people and to be an inspiration to each succeeding generation.

The question might well be asked, "How is it to be accomplished"? My answer is that the exhibits would show, in a practical way, how many of the States have moved forward, step by step, from a barren prairie to wealth through gifts of nature developed by man; how the fertile agricultural land has been made more potent year by year as man's ability to develop has become practical; and how the unknown wealth beyond the sight of man has been brought forth and converted into dollars; and, in addition, a practical biographical sketch of the men and women of the States who have contributed so magnificently to its development.

The proposition which I feel appeals to the wisdom of the thinking people, and the one that I have been advocating, is that each State and Territory shall erect a separate and permanent building along lines that would present most strikingly the State's individuality in comparison to the other States.

I am not unmindful of the probable variance in the opinions of the most honest men of ability and the necessity to guard against rivalry and jealousy; therefore, conscious of this fact and to overcome conflict in tastes and possibly unmatured ideas by persons inexperienced in such matters, and to insure proper harmony of construction and best results, my thought is a commission to direct the architecture of the buildings, landscaping, and the general layout of the plat, with the idea always foremost that each building should be constructed of material recognized as a direct and native product of that State.

To illustrate, Vermont would probably erect its building of its granite with the interior trimmed with various native Vermont marbles, while Indiana should favor limestone. Tennessee, doubtless, would have its building beautified by an assortment of her marbles, interior and exterior; and the same with Georgia, Alabama, Colorado, and others.

California native Redwood, which might be used with great advantage in trimming the interior of its building; the Northwest its hardwood, the Southern States their white and yellow pine, and so on throughout the different States where there is a wealth of building material already being marketed, or which the State desires to market, but in each instance peculiarly indigenous to the State and worthy of State pride and consideration.

The importance of carrying out the object in view demands that neither pains nor expense should be spared to guarantee that these buildings will be especially designed for proper exhibiting, in addition to what I have already mentioned, the educational progress, climatic advantages, and a general display of the indigenous plants, flowers, fruits, vegetables, checked with seasonal changes throughout the year and properly displayed to present in a most impressive manner the greatest possibilities along these lines. Bird, animal, and fish life should be prominently featured. Rainfall and temperature properly and regularly recorded by comparison, should be featured by permanent records and scientific charts.

A desirable assembly hall, of proper size, in each building where meetings of local State societies or conventions (but nonpolitical) could be held, should be an important feature. Structural arrangements, so that it could be used as a temporary home for the governor of the State whenever he or his family visits this city, could be featured with benefit and profit.

In addition to this, each building would be a place where historical contributions by people of the State should be chronicled as well as

the records of men and women who have contributed to the history of the republic or the world; also where, by tablets erected to their memory, scientific achievements of men of genius might be transmitted to generations yet unborn. To illustrate, New Jersey should have an entire section to show the development of electricity through the genius of its wizard in that line—Thomas A. Edison. Then take for consideration the valuable and interesting information which could be presented by some of the New England States in showing the progress and development of the manufacturing of shoes, jewelry, hats, stationery, etc.

The South could show the cotton industry from the raw material as it comes from the field to the finished product; tobacco from the planting to the cigar and cigarette; the manufacturing of furniture, from the forest to the home; and other things, all to show what man's genius has accomplished, conquered, or uncovered for his State in advance of other States.

As the establishment of such a building by each State would be of almost unlimited value to the Federal Government, it should contribute, free of cost to the States, the ground upon which these buildings are to be erected, and defray all expense in laying out the plat, and beautifying it, and thereby establishing the world's greatest display.

I have estimated that to insure the proper presentation of each building most effectively it will require approximately 300 acres of ground. There should be a superintendent appointed by the governor of each State, the expense of which should be borne by the State. The streets, avenues, and parkings, which would be for the general use of all the States, should be cared for at the expense of the Federal Government as it would be the Nation's show place.

Another important matter worthy of recognition is the protection of plants, floors, and shrubbery from States of a milder climate than we have here, during the winter months. For this purpose, it would be advisable to erect suitable greenhouses on the grounds protected and regulated under the rules laid down by the commission referred to.

Now, my friends everywhere, I have taken pains not to discuss at this time more than the general principle or theory. It will require action by Congress for the donation of the ground, and by various State legislatures for appropriations to erect the buildings.

I fully realize my incapacity as well as the absolute impossibility of drawing a complete picture of the entire plan at this time, but when the combined wisdom of national and State legislators is brought in conference to discuss a question of such magnitude and importance, details will naturally be dealt with in a practical way and broadly enough for the purpose of drafting a proper bill for Congress and the legislatures upon which a foundation may be laid.

For more than 20 years I have been an advocate of this movement. My sole ambition is the success of the scheme, hoping for no special personal recognition. I am willing to be a good follower of an aggressive and determined leader.

It might be of importance to call attention to the fact that many times in the past the States have erected temporary buildings at national expositions. The experiment must have been profitable, as it has been repeated time and again.

As a practical business man, I can not overlook the fact that when a temporary building has served its purpose at an exposition it has been torn down and its parts sold as junk and the people's money invested in it cast to the winds. Is it not reasonable to assume that when appropriately and permanently constructed buildings located at the Capital of the United States would prove of more permanent advantage to each State than the temporary structure has proven in the past?

Large delegations have been sent out by several of the States, and necessarily at great expense, to advertise the State as to its advantages and possibilities. No practical demonstration of what some of the States estimate the value of displaying its products can be more forcibly portrayed than by the recent trip made by the exhibition train of the State of Vermont, consisting of eight express cars filled with the native products of that State and things manufactured and produced by her people.

The exhibit was most attractively displayed, and the cost of same must have been enormous for one exhibition, but I dare say its advertising advantages will be everlasting.

My thoughts on the subject fully convinced me of what a permanent exhibition in the city of Washington would mean to Vermont and any other State and to the entire Nation. I am also convinced that proper advertising space of things of the State, but permitted to be exhibited only by the commission of control, would pay the entire annual expenses of maintaining these buildings.

Unthinking people might say, "Why give this great exhibit to Washington?" Why, the answer is easy. Washington is the Capital City of the United States as well as that of the people of each State. It is the only neutral ground of all the States.

My enthusiasm on this subject may to some extent make me overzealous, but it is my belief that the proposition is sufficiently important to cause the entire population of each State and the District of Columbia to rise up as of one voice and a united determination in the advocacy of permanent States buildings.

Now, my hearers of the air—and I hope there have been many—permit me to say in conclusion that the proposition which I have presented to you is the hopes and aspirations of an individual—one who has no motive or object in view except that which should actuate the energies, the intelligence, and the ambition of every man to at least try to accomplish something which will be of benefit to the entire community in which he lives and not be guided by a desire for personal gain or individual profit above that of anyone else.

Believing that the suggested permanency of this proposition, with its educational value to both the present and future generations, is immeasurable as to its everlasting value to the country as a whole, I trust that I may rightfully entertain the hope that those in authority will view these thoughts in the same light and importance as I have briefly and humbly set forth, so that by wisdom, cooperation, and guidance the proposition will have a successful conclusion.

If these remarks prove of sufficient importance to cause a second thought of approval, I will consider that my efforts have not been in vain. I therefore submit it to the "listeners-in," with the hope that it will by the combined and concerted action of National, State, and local men and women of legislative authority become a reality within the near future.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The VICE PRESIDENT. The question is on the motion of the Senator from California [Mr. JOHNSON] that the Senate proceed to the consideration of Senate bill 312, to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. HARRISON. Mr. President, I desire to address myself briefly to the motion made by the senior Senator from California that the Senate proceed to the consideration of the census and apportionment bill.

On yesterday we heard a great deal, and we have read much in the newspapers, relative to the integrity of the House of Representatives, and some Senators here even said that the adoption of the debenture plan in the farm relief bill was an affront to the House. It seems to me, Mr. President, that if there is one bill that ought to originate in the House of Representatives it is a bill which affects the organization and personnel of that body; yet in this instance we are doing an unprecedented thing. It may be that those in charge of this proposed legislation can cite some instance where heretofore the Senate has assumed authority to initiate proceedings to enact into law an apportionment bill, but I have not been able to find that it has ever been done in the whole history of the Government.

The Senate has always been content to permit the House of Representatives, with reference to apportionment legislation, to take the initiative, to frame its own bill, to devise its own method, to adopt the basis upon which representation was to be fixed, and then send it to the Senate for the latter's consideration. But not so in this instance.

The Congress was called into session for two purposes almost immediately after the inauguration of the new President. It was called into extra session to consider farm relief and tariff legislation. The Senate has passed one of those measures. While the measure which it adopted did not receive the approval of those who are closest to the administration, we finally passed a farm relief bill by a substantial vote. No sooner has that been done, and without waiting to get the views of the House with reference to legislation affecting its own organization, there is projected before this body the proposal covered by the motion of the Senator from California.

And how has the measure been brought here? It was in charge of the Commerce Committee of the Senate. It is one of the most important proposals that could be made to Congress. It touches every community in the United States; it forms the basis upon which representation is to be apportioned and Representatives are to be elected; it is interwoven with the general welfare of the whole country; yet the Commerce Committee after one meeting reported the bill to the Senate.

The House of Representatives thought it was a most important measure and still thinks so. The committee of that body having charge of the legislation not only sat for weeks but, I think, for months considering the important question. One phase of it alone, namely, whether there shall be adopted the equal proportions or the major fractions or the rejected fractions basis, calls for much study and consideration.

The House committee had innumerable witnesses before it; it drew experts from all over the country to give their views with reference to the particular plan to be adopted for apportionment. Not so with the Commerce Committee of the Senate. It meets; it summons a Secretary of Commerce, who, I dare say, never read a reapportionment bill before in his life; he steps into the committee room and gives his approval to the measure. Then the committee calls the Director of the Census; it closes the hearings in a very short time, reports the bill to the Senate,

and then takes steps to hasten its consideration here. I submit, Mr. President, that it is unfair to the House of Representatives for the Senate thus to proceed.

Ah, but it is said, the census must be taken; under the Constitution it must be taken every 10 years. There is not a Senator upon the floor of the Senate who objects to the taking of the census; indeed, we all want the census taken. There was a bill reported out of the committee for the taking of the census the last session. There was ample provision made for an appropriation to take the census during the last session of Congress, and yet upon the motion of those in charge of this proposed legislation at this time the proposal to take the census was killed and the appropriation necessary to provide for taking the census was eliminated from the appropriation bill. Yet in the speeches that will be made touching this subject those in charge of the measure will attempt to show that those of us who would change and amend the apportionment provisions of the bill would delay or prevent the taking of the census. If they will separate the census provisions of the bill from the reapportionment provisions of the bill, they can have it passed within less than five minutes; I dare say not a voice will be raised against it, and hardly an amendment will be proposed to it. However, the two proposals have been put together in order to enhance the chances of the apportionment bill by coupling with it the measure providing for the taking of the census.

Mr. President, is it not an affront to the House of Representatives? Would not the orderly way be to let the House take the subject up and consider it first? Ah, but the Senator from Michigan [Mr. VANDENBERG], with his pen in hand and paper before him, ready to burst forth with a speech now will say that the House passed the reapportionment bill at the last session and that it was killed in the Senate. That is true. A bill was passed by the House of Representatives at the last session. It was passed during the closing hours of the Congress. It came here during the closing days of the session of the Senate. The Senate Commerce Committee did not consider it for a half hour. On that occasion not a witness appeared before them.

The bill was referred to the committee, and was immediately reported out. Then it was, during the closing hours of the session, without any consideration to be given to it, that they attempted to foist it upon the American people. It had objectionable provisions. It was condemned by experts who appeared before the House committee; but some of the members of the Commerce Committee of the Senate were so anxious to get it out that they were unwilling to receive the views of the opposition to it, or to analyze its provisions, or to get the other side of the argument. So we have it here, and you are going to hand it to the House; you are going to pass it, yes, because you have enough votes to pass it.

This is another one of the mysterious schemes that have been concocted in this new era of things, in this new order. Here is what you are going to do. You do not want consideration given to it. You are not going to permit consideration to be given to it. You are not going to permit the same consideration to be given to it by this Congress that was given by the last Congress. Why, the House of Representatives was organized to pass the farm relief bill and the tariff bill; and the leadership of the House, with your knowledge, refused to organize the Census Committee, which considers this particular question. It has not been organized yet. It has not been appointed yet. It will not be appointed and organized during this Congress if the leaders of the other House can be believed; and I believe them. You expect to pass this bill here, send it to the House, and have the House take it up without the consideration of a single committee of the House. You are either going to see that it is passed under a special rule in the House preventing any amendments from being offered, or you are going to see that it is passed under the two-thirds rule, which prevents any amendments from being offered in the House of Representatives. In other words, you expect to strangle the Representatives who are interested in this matter, and prevent them from even suggesting their views on this piece of legislation.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. BARKLEY. While there is no constitutional inhibition against the origination of legislation of this sort in the Senate, it has been my understanding that always as a matter of courtesy, at least, legislation for apportionment and reapportionment has originated in the House, because it directly affects the House. Can the Senator tell us whether in any previous instance a bill providing for reapportionment has originated in the Senate and not in the House?

Mr. HARRISON. I cited, before the Senator came in, the fact that from my investigation I have been unable to find a single instance where the legislation was not initiated by the House of Representatives.

Mr. BARKLEY. I did not know that the Senator had made that statement.

Mr. HARRISON. It may be that the Senators in charge of this bill can give us that information. They are not afraid that the House would be affronted by the action of the Senate in passing this bill, because it is part of a common plot to put it through without permitting amendments or the views of Representatives to be stated in the House of Representatives.

What does this bill do?

Ah, they say that we waited eight or nine years; that there was no apportionment made under the census of 1920. We are not to blame for that. Do not throw that at us. It is, of course, a great pity that the Senator from Michigan did not come to the Senate before he did, so that he might have aroused the sentiment of the Congress and have brought this legislation to the forefront and driven it through as he has. I congratulate the new Senator from Michigan on making the Republican steering committee cower before him and permit him to push forward this bill that no one else has had enough interest in for eight years to bring before the Senate of the United States; but I do say, and I appeal to the Senator, that he ought to go about it in an orderly way and let it come to us from the House of Representatives.

This legislation, unlike any prior apportionment bill except perhaps one—that was the one based upon the census of 1840, and in some particulars it is different from that—delegates to the Secretary of Commerce the authority of the Congress of the United States to go ahead and take the census in his own fashion, and then to make the apportionment. Ah, but it is said the Congress shall have the power to do it. Yes; he has graciously given them three months in which to do that. If they fail to do it within that time, then the Secretary of Commerce can go ahead and make the apportionment.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. I yield to the Senator.

Mr. BLACK. The old bill provided that it should be done by the Secretary of Commerce; but, as I read this one, it is more in line with the tariff bill in the House, which turns over to the President all the authority of the lawmaking body with reference to the tariff. They have now substituted the President for the Secretary of Commerce, he not having enough duties taken away from Congress already.

Mr. HARRISON. They have a great deal of confidence in their President, and I have a good deal of confidence in him; but I do not think we ought to get the apportionment enmeshed in politics to such a degree as to permit one arm of this Government to raise and lower figures that will destroy Representatives and keep them from representing a constituency in this country; and that is what this bill will do, as I expect to show. So you say in this bill that the report of the Commerce Department as to the census shall come to the Congress by, I believe, the 1st of December, 1930, and that we shall have December of 1930 and January and February of 1931 in which to pass the bill; and if we do not do it by the 5th day of March, 1931, the Secretary of Commerce shall put it into effect.

Now, you Senators know that so important a measure as this, brought in during a short session of Congress, with the Christmas holidays taking up 10 days or two weeks, with the great supply bills to be passed and the innumerable questions to be considered, can not receive in that short time the consideration that it deserves; and I do hope that those who are sponsoring this measure will at least, before the bill shall have passed the Senate, give to the Senate a little more time than that, after the report of the census is made to the Congress, in which to consider this legislation.

Will you forget what happened in prior censuses—how, in 1910, corruption and fraud and graft were revealed upon the part of many of the enumerators in this country? Will you forget how many of them were brought to the bar of justice, and many of them were sent to the penitentiary because they tried to pad the returns and increase the population in certain places and in certain States? I shall read, before this debate is closed, about some of those instances up in Maryland, in Pennsylvania, and in other States. In Tacoma, Wash., they tried to and did increase the number of inhabitants, through fraud and corruption, nearly 100,000 in that city alone. They can do it; they have the power to do it; and yet here you delegate to the Secretary of Commerce not only the power to name these men to go out and take the census

in whatever fashion they may choose, but then to fix the apportionment upon the returns that they make!

I submit to you that a reasonable time, at least, should be allowed to elapse after the report of the Bureau of the Census, so that the various agencies of justice can see that it is a fair census before we apportion the Representatives in this country.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I yield to the Senator.

Mr. WALSH of Massachusetts. Let me inquire of the Senator if he has any information as to whether the Commerce Committee gave any hearing or any consideration to the question of appointing the census officials under civil service regulations?

Mr. HARRISON. I am not a member of the Commerce Committee; but at the very rapid rate at which they proceeded I doubt if they gave any consideration to that or any other question.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I do.

Mr. JOHNSON. I assume that the Senator was putting a query for information.

Mr. WALSH of Massachusetts. Yes, sir.

Mr. JOHNSON. I did not catch what it was. If I am able to afford the information, I shall be glad to do so.

Mr. WALSH of Massachusetts. I wanted to know what, if any, consideration the Commerce Committee gave to the proposition of having the census officials appointed under civil-service rules and regulations. Was any study given to that problem?

Mr. JOHNSON. I think the Senator will find that under the bill all of the inferior officials are under civil service, specifically provided for in a couple of sections of the bill which I will take up if we ever reach the bill. I am hoping we will reach it within an hour; but when we do, if we do, I will take up that subject with pleasure.

Mr. WALSH of Massachusetts. But the supervisors are not included, are they?

Mr. JOHNSON. No.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield to the Senator.

Mr. WAGNER. I desire to suggest to the Senator that of course he did not intend to make a misstatement, but the field supervisors and special agents and the enumerators are not under civil service.

Mr. JOHNSON. Oh, no; the supervisors are not under civil service.

Mr. WAGNER. I have sent to the desk an amendment on that subject, which has been printed and which I propose to offer.

Mr. WALSH of Massachusetts. Are the enumerators under civil service?

Mr. JOHNSON. I think all except the supervisors are, but I am not entirely clear about that. The enumerators may not be.

Mr. DALE and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor. To whom does he yield?

Mr. HARRISON. I yield to the Senator from Vermont. He can give us the facts.

Mr. DALE. Mr. President, the supervisors, the assistants, and all the enumerators are not under civil service.

Mr. JOHNSON. I think the Senator is correct.

Mr. WALSH of Massachusetts. That is pretty nearly the whole group of officials.

Mr. JOHNSON. No; there are many subordinate employees; but we are now discussing the bill. Pardon me for replying to the Senator from Massachusetts, because I thought he asked his question for information, and I desired that we might be accurate about the matter. We are discussing the bill before the bill is before us. The Senator from Mississippi is discussing the motion to take up the bill.

Mr. WALSH of Massachusetts. He was discussing also the merits of the bill.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. HARRISON. I yield to the Senator from New York.

Mr. WAGNER. I desire to suggest that under the legislation now pending all of the field service is removed from the classified civil service.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield to the Senator.

Mr. SWANSON. I want to suggest to the committee, since it does not seem to know even the substance of the bill, if it would not be wise to refer it back to the committee and let the members of the committee get acquainted with its provisions so that they can present it intelligently to the Senate?

Mr. JOHNSON. Mr. President, there will be no difficulty about having an intelligent presentation of this bill when the bill comes up; and the Senator from Virginia is not going to taunt me into a discussion of the provisions of the bill upon a motion to take it up. I recognize his ability, and I recognize how very cleverly he may kill time; and I would not want to take any time, anyway, from the very interesting speech of the Senator from Mississippi.

Mr. SWANSON. The Senator who has charge of this bill stated positively that he understood that the enumerators were under civil service. The Senator from Vermont [Mr. DALE] states definitely that they are not.

Mr. JOHNSON. And he is right.

Mr. SWANSON. He is right. It seems to me that this bill was prepared with such haste, such lack of consideration, such speed, that the members of the committee itself ought to be willing to have it referred back to them in order that they may get better acquainted with its provisions so as to be able to discuss it more fully and directly on the floor of the Senate. I am anxious to know the provisions of the bill. I usually ask the chairman of the committee that has charge of a bill for information regarding it. I suppose he has no objection to the bill being referred back to the committee for further consideration.

Mr. JOHNSON. What a delightful thing. We refer it to the committee and never have a reapportionment bill, because the Senator from Virginia will lose a Congressman. We will present the bill and we will pass it if we can, and if we can not we will not, but we will go forward in the situation which presents itself.

Mr. SWANSON. I do not want to have the Senator work day and night to get apportionment.

Mr. JOHNSON. That is another accommodation and a kindness which I appreciate. Really, I am being quite overwhelmed to-day by the kindness of the Senator from Virginia and others. May I make my apology to the Senator from Mississippi?

Mr. HARRISON. The Senator from California does not have to apologize to me. I am always delighted to yield to him, and I shall be glad to yield further if the Senator has more to say.

Mr. JOHNSON. I recognize that courtesy.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WALSH of Massachusetts. The result of the information is that this bill provides for about 100,000 employees who are not to be under civil service.

Mr. HARRISON. I was very glad to yield for this colloquy, because it shows that the bill has not been considered by those in charge of the legislation. If it had stayed in the committee, and if they had brought witnesses and experts before them, they would have known more about the bill.

I dare say that none of the proponents of this measure—I will put them all in—could explain what the major-fraction theory is. Now I yield for that, if the Senator from California wants me to.

Mr. SWANSON. Is that included in this bill?

Mr. HARRISON. Yes; that is the basis upon which apportionment is proposed to be made by this bill.

Mr. SWANSON. Does the Senator mean to inform me that this would make the major-fraction theory a part of the law of the land?

Mr. HARRISON. That is the proposal.

Mr. SWANSON. And that the Senator from California can not explain it?

Mr. JOHNSON. He does not intend to be caught in this sort of trap in relation to killing time upon this particular motion. So go on now with such queries as you will, but we are going to have a vote upon this motion some time, and he who laughs last laughs best, after all.

Mr. HARRISON. Now, Mr. President, there is going to be no undue delay about voting upon the motion. I am not going to try to filibuster, and no one else, I think, is going to, and if the Senator wants opportunity at this time to explain major fractions, I will be delighted to yield to him.

Mr. JOHNSON. Then will the Senator allow the motion to be put by the Chair, and we will take up at once major fractions

or anything else the Senator wishes, with the bill before the Senate? I make that proposition. Will the Senator do that?

Mr. HARRISON. After the motion is adopted?

Mr. JOHNSON. Yes.

Mr. HARRISON. Or before?

Mr. JOHNSON. After the motion is adopted.

Mr. HARRISON. I want to hear the Senator before the motion is put.

Mr. JOHNSON. Oh, yes; I know that.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. GLASS. I hope the Senator from California can give a more satisfactory explanation as to major fractions than he has given as to the inclusion of the employees under the civil service.

Mr. BARKLEY. Mr. President, it is quite possible that some of our votes may be dependent upon the explanation of this major fractions subject, and therefore it would be appropriate to have the explanation before the vote.

Mr. HARRISON. I think the major-fraction theory was adopted once before—that is, in the 1910 apportionment—and in the 1910 apportionment, under the system of major fractions, we found this strange situation, that the Commerce Department in four instances, after it had shown that the four States concerned were entitled under the major-fraction theory to an additional Representative each, deliberately and willfully reduced the major fraction below the 50 point and took away from them those additional Representatives. One of the States in which that was done was Mississippi, my own State, in which the major fraction revealed under the census was 8.54, the four units entitling them to the extra Representative; and then after a reinvestigation of the census the department reduced the figure to 8.48, thereby depriving the State of its opportunity to get another Representative.

In the case of Ohio the figure was 22.65, clearly entitling the State to an additional Representative; but the Commerce Department on a reinvestigation, on a scaling down of the figures, reduced it to 22.49, and denied the people of that State their right. The department did that also with reference to Iowa. Yet the basis of the bill now under discussion is the theory of major fractions, giving to the Secretary of Commerce the power, after he has found that the census gives a State an additional Representative, to scale the figures down and deny the State that right.

It might be shown that Mississippi would be entitled, under the major-fraction system, to an additional Representative, and in another State, strongly Republican, let us say, like Michigan, the condition might not be so favorable, and the Secretary of Commerce could scale down the one and leave untouched the other. That is the power proposed to be given to the President and the Secretary of Commerce by this bill in the making of apportionment in this country.

I say that it is unfair. It has been done but once before, as I recall, and in that census the inequalities, as I have pointed out, were glaring.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. I yield.

Mr. BLACK. There were two other States that had representation taken away from them by that process after it had been awarded, according to the strict terms of the major-fraction method. Those States were New Mexico and Texas.

Mr. HARRISON. That is the system Senators want to impose upon us, and to do it in this fashion.

Mr. President, of course no high official of this Government would want to see fraud perpetrated in the taking of the census. No one would be a party to padding the returns, but somehow or other in this mechanism of ours the agents, representing their various communities, trying to put the figures up as high as possible in order that they shall get more consideration and additional representation, sometimes might pad the figures.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WAGNER. I would like to correct one statement which I think the Senator made inadvertently, when he referred to the census taken as the result of the act of 1910, and stated that that was tainted with fraud and corruption. The fact is that it was the census of 1900 that was so tainted, and the frauds which the Senator mentioned took place in the enumeration of 1900, and because of that, in the law providing for the census of 1910, it was provided that the enumerators, special agents, supervisors, and other employees, should all be appointed as a result of civil-service tests. I think it is generally conceded that the enumeration of that year was freer from suspicion of fraud and corruption than in any census we have taken.

Mr. HARRISON. That is to say, the 1910 census was better than the one of 1900?

Mr. WAGNER. Yes.

Mr. HARRISON. I was in error with reference to the prosecutions in Maryland and Pennsylvania in 1910. There was much fraud and corruption in 1910, but the reports do state that they were not so glaring and so frequent as in 1900.

Mr. WAGNER. No.

Mr. HARRISON. Mr. President, in reference to the taking of a census and fraud creeping in, may I suggest that at Fort Smith, Ark.—I will cite just a few cases—there was a difference of 6,455 persons. The figures were padded to that extent just in that one city. Out at Portland, Oreg., the figures were padded 15,745. Out in Tacoma they were padded 32,527, from 83,000 to 115,527. Up in Superior, Wis., they were padded 11,000. Other cases might be cited. That is what can be done under the provisions of this particular bill.

I submit to the Senate that this bill ought to receive the consideration of the House first, and then the consideration of the Senate.

Mr. SWANSON. Mr. President, as I understand, the Senator's contention is that the House of Representatives of the Seventy-first Congress did not originate this bill and has not passed on it, but the Senate committee has taken up a bill that was passed in the Seventieth Congress and reported it to the Senate without waiting for the new House of Representatives to pass on it. Has that ever been done before?

Mr. HARRISON. It never has been done in the history of the Government. The House of Representatives has never touched this bill, it never has considered it; indeed, they have not organized their Census Committee.

Mr. SWANSON. The House of Representatives of the Seventy-first Congress is vastly different, after a new election, from the House of Representatives that passed on this?

Mr. HARRISON. Yes.

Mr. SWANSON. The proponents of this measure insist that the House of Representatives of the Seventieth Congress shall speak for that of the Seventy-first. Is that the contention of these gentlemen?

Mr. HARRISON. That is what they propose to do.

Mr. SWANSON. What has the House said about it? When I was a Member of the House it was always insisted that the House must originate legislation affecting representation in the House. The present House of Representatives has not passed on this at all, as I understand it, but the proponents of the measure say that the House of Representatives of the Seventieth Congress can speak for that of the Seventy-first. Have they made any excuse in the report for this revolutionary proceeding?

Mr. HARRISON. I have not heard of any explanation about it at all. I am hopeful now, and I am going to take my seat so that these distinguished Senators can give some explanation and some excuse.

Mr. SWANSON. For superseding the rights of the House of Representatives to originate such a bill.

Mr. HARRISON. Yes.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield, certainly.

Mr. ROBINSON of Arkansas. Perhaps it is the purpose to have the body at the other end of the Capitol to refuse to receive and to return to the Senate the bill providing for apportionment on the ground that it is a violation of the comity which has heretofore existed between the two bodies, and which ought to be perpetuated.

Mr. SWANSON. If the Senator from Mississippi will yield again, I was very strikingly impressed with the Senator's citation of the frauds that were perpetrated in the taking of past censuses. What means is provided by this bill for the House of Representatives to correct such frauds? Under the Constitution, the House of Representatives have the constitutional right, the constitutional power themselves to see that there is no fraud perpetrated on the people in connection with apportionment. What method has been provided in this bill—that is what I am interested in—by which the House can detect any possibility of fraud in ample time for investigation and ascertainment of the fraud?

Mr. HARRISON. There is no such provision.

Mr. SWANSON. None?

Mr. HARRISON. No such provision.

Mr. SWANSON. Has there been any explanation as to why that has been omitted?

Mr. HARRISON. The bill gives only three months for the House and the Senate to consider and pass an apportionment measure.

Mr. SWANSON. The House has not had a chance to examine to see whether there is provision for the disclosure of any possible fraud which might be consummated upon the American people.

Mr. HARRISON. And some gentlemen will be particeps criminis to it.

Mr. ROBINSON of Arkansas. Mr. President, what reason does the Senator from California give for bringing forward this measure in the Senate before it has been passed on in the House?

Mr. HARRISON. I am just hoping to hear some reason given.

Mr. VANDENBERG. Mr. President, I have no desire to postpone a vote on the particular proposition which impends for the Senate's judgment, and I do not conceive that discussion of the merits of the bill has any place whatever in relation to the pending motion. The sole question now confronting the Senate is whether or not it will proceed, upon whatever merits the bill discloses, to meet a belated constitutional challenge. The sole question is whether the Senate shall face or shirk a duty.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I yield.

Mr. BLACK. I understand that the Constitution, according to the Senator's contention, requires that there shall be a reapportionment each 10 years. That is correct, is it not?

Mr. VANDENBERG. That is correct.

Mr. BLACK. Does the Senator claim that the bill to which he has reference reapportions under the next census?

Mr. VANDENBERG. The Senator claims nothing of the sort.

Mr. BLACK. This bill, then, is not a reapportionment bill.

Mr. VANDENBERG. This bill is described in its title as a bill to provide for apportionment, and it furnishes a basis for authenticating the Constitution for the first time in the history of the Government.

Mr. BLACK. I understand it is a bill to provide for reapportionment and I understand the Senator to say the Constitution provides for reapportionment. Is that right?

Mr. VANDENBERG. My statement is that the theory of the Constitution and its spirit, if not its actual letter, requires reapportionment.

Mr. BLACK. Then the Constitution provides for reapportionment, does it not?

Mr. VANDENBERG. That is correct.

Mr. BLACK. The Senator says that it is a bill which provides for reapportionment in the future.

Mr. VANDENBERG. I said nothing of the sort.

Mr. BLACK. That is what it does. It does not provide for reapportionment to-day, does it?

Mr. VANDENBERG. I said it provides a system under which the Constitution can be no longer flaunted indefinitely.

Mr. BLACK. Then it amends the Constitution, since it endeavors to provide a means by which the Constitution shall be evaded. Is not that it?

Mr. VANDENBERG. It does nothing of the sort. I am very anxious to yield in the debate to any questions upon the merits of the bill but not to inquiries which merely seek to divert the issue.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. The bill does presuppose a failure on the part of the Seventy-second Congress to reapportion according to the census to be taken in 1930 and authorizes the President to proceed to reapportion under those circumstances.

Mr. VANDENBERG. It presupposes nothing of the sort. It provides that in case the Congress does refuse to do its duty, then there shall be an automatic rule which shall defeat congressional inertia which has the effect of disfranchising millions of people.

Mr. BARKLEY. Then it does presuppose a failure on the part of the Seventy-second Congress, and in the event of that failure authorizes the President to do what the Congress refuses to do?

Mr. VANDENBERG. I repeat, it presupposes nothing of the sort.

Mr. BARKLEY. Why not wait for the Seventy-second Congress to perform its duty without presupposing a failure on its part?

Mr. VANDENBERG. Because the experience of the past decade indicates that Congress is perfectly willing to ignore the Constitution and that the Senate itself is a major offender in this respect.

Mr. BARKLEY. The constitutional prerogative is vested in the Senate and in the House alike. It is vested in both places. The bill presupposes a failure on the part of the two Houses, and particularly on the part of the Senate, and therefore authorizes the President to proceed to do what the Congress is authorized to do, but what the Senator from Michigan presupposes the Congress or one branch thereof may not do.

Mr. VANDENBERG. The Senator can not put words in my mouth. The bill presupposes nothing of the sort. The bill undertakes to provide a just method so that in the event of failure on the part of the Senate to perform its constitutional duty an automatic rule shall have the power to justify and validate the Constitution. I think, in justice to the measure, the issue should be met fairly and squarely and in the open and that we should vote upon the specific question.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. VANDENBERG. I am glad to yield to my distinguished friend.

Mr. ROBINSON of Arkansas. Undoubtedly the question as to why the measure is brought forward in this body instead of the body at the other end of the Capitol is pertinent to the issue.

Mr. VANDENBERG. And I shall be glad to discuss it right now.

Mr. ROBINSON of Arkansas. I would be glad to have the Senator explain why the Senate is first to consider a bill to provide for representation in the body at the other end of the Capitol.

Mr. VANDENBERG. I shall be glad to proceed if I may be permitted to do so.

I started to say that the only question before the Senate is whether once more the Senate will run away from the issue. The question is not now how the issue shall be met. It is solely the question whether it shall be met. The Senate ran away in 1921 when the House, for which my distinguished friend from Mississippi expresses such poignant solicitude, did act and did initiate its own apportionment measure. The Senate in 1921, by the expedient of chloroforming the House bill in a committee pigeonhole, prevented action. In 1929, in February, once more the House did act and did initiate its own legislation. It did act under the privilege and prerogative to which the Senator refers. It did send to the Senate another measure dealing with apportionment and the Senate, with anything but the great solicitude which has been expressed by Senators on the other side of the aisle, once more talked it to death in the Senate mortuary.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I yield.

Mr. BLACK. I understand the Senator claims that the House passed a reapportionment bill.

Mr. VANDENBERG. The Senator is quibbling over words.

Mr. BLACK. Does the Senator claim that? Does he claim that it was a reapportionment bill?

Mr. VANDENBERG. I claim it was a bill to provide for apportionment and that it dealt with the same general subject and expressed the wish of the House and its desire in relation to this problem, which, as has been correctly said, deals primarily with its own seats, and therefore a problem in which it should have primary consideration.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. VANDENBERG. I am glad to yield.

Mr. ROBINSON of Arkansas. I have expressed no solicitude about the matter. In view of the precedents, and having regard for the practice which has heretofore prevailed and what are manifestly the proprieties that should govern in connection with the matter, it occurred to me that the House should have the opportunity to form the measure providing for representation there. I ask the Senator why the measure is brought forward in the Senate before it is in the House. There may be a good answer for it, but no reason has been assigned and it is strange to me that some one does not answer the question.

Mr. VANDENBERG. The Senator, of course, recollects that the House did originate, did act upon, and did send to us a few months ago a bill which we summarily refused to consider.

Mr. SACKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. VANDENBERG. I am glad to yield.

Mr. SACKETT. I merely wish to make the suggestion that when the House did act in the former Congress, they did not combine the census bill with the reapportionment bill. They sought to arrange their own affairs by passing a census bill and by having a separate bill for reapportionment, and yet here the two propositions are brought in together.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield further?

Mr. VANDENBERG. I am glad to yield.

Mr. ROBINSON of Arkansas. In addition to the distinction which the Senator from Kentucky makes there is another distinction which must be clearly in the mind of the Senator from Michigan, namely, that the House which passed the former bill is a different body in law and in fact from that which will consider the bill now under consideration. In other words, this bill has not been passed by the House of Representatives as it is now constituted. Why is it brought forward in the Senate before it is considered in the House? That is a question I would like to have answered.

Mr. VANDENBERG. I think I have already answered that question adequately, but even though the Senator still retains——

Mr. NORRIS. Mr. President——

Mr. VANDENBERG. Permit me to finish my statement. Even though the Senator still retains the feeling that it were preferable that for a third time the House should act first, still I should say to him that our Senate responsibility under the Constitution is concurrent and it can not be escaped by any such method of argument.

Mr. SWANSON and Mr. BARKLEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. I refuse to yield for any argument on the merits of the bill itself, because I do not conceive that that is the pending issue. I am glad to yield to any inquiries which go to the motion pending before the Senate. I refuse to be detoured into a further delay upon a vote on the question.

Mr. SWANSON. My question will not involve much delay. Frequently there has been a general appropriation bill which originated in the House defeated by the Senate. From time immemorial the precedent has been established that a general appropriation bill shall emanate from the House of Representatives. Does the present situation establish the precedent that any bill passed by the House of Representatives in a different Congress shall then permit the Senate in the succeeding Congress to first consider the bill before it shall have been considered by the House?

Mr. VANDENBERG. This is not a general appropriation bill, and it has been so ruled.

Mr. SWANSON. The same principle applies.

Mr. VANDENBERG. The same principle does not apply at all.

Mr. SWANSON. General appropriation bills under the practice have originated in the House of Representatives, we having concurrent jurisdiction. If in the last session of Congress a general appropriation bill passed the House and failed in the Senate, does the Senator then say that the custom and the precedents ordinarily followed would permit the Senate to first consider such an appropriation bill before it had been considered at all by the House?

Mr. VANDENBERG. I think the Senator is speaking on a wholly extraneous matter.

Mr. ROBINSON of Arkansas rose.

Mr. VANDENBERG. I will yield to the Senator from Arkansas if he wishes to ask anything on the point before us.

Mr. ROBINSON of Arkansas. The Senator thinks he has answered my question and does not propose to give any additional answer. I do not think he has answered it at all. I am not opposed to the motion of the Senator from California to proceed to the consideration of the bill and have never opposed the motion to take up the bill, as the Senator from Michigan will recall.

Mr. VANDENBERG. That is correct.

Mr. ROBINSON of Arkansas. The Senator corroborates my statement. If I voted against the motion to take up the bill, it would be on the ground that it might violate that rule of comity and amity which I understand to have prevailed between the two Houses and which permits the House of Representatives to initiate measures relating to representation in the House. Of course, I know that measures have failed in the Senate which have passed the House. Of course, I know that the provision of the Constitution relating to apportionment is not self-executing. It is like many other constitutional provisions which contemplate action by Congress. Congress has the power to legislate or to refuse to legislate.

I would like to have the Senator give me some reason why the Senate should first act upon a bill to fix representation in the House of Representatives. Why should we undertake to work out that problem in the first instance when it is well known that the House which at present exists has not considered it or acted upon it at all?

Mr. VANDENBERG. If I can not satisfy the Senator with the answer already given, I probably can not satisfy him at all. My answer has been, is, and will be that the House has acted twice; that the Senate has refused twice to concur in the action of the House; and that if there is any way left by which we can demonstrate comity and consideration for the other House of Congress it is in precisely the method by which we now proceed.

Mr. ROBINSON of Arkansas. The Senator must realize that the present House has not acted; that the House which did act was an entirely different body, both in law and in fact, from the one which now exists. The present House is not bound by what a former House did. The Senate is said to be a continuing body, but no such principle applies to the House of Representatives. Each Congress is an entirely new body so far as the House is concerned.

Mr. VANDENBERG. The Senate has been a distinctly continuing body for the last eight years in its successful checkmating of any action the House has sought to take in relation to reapportionment.

Prior to all these detours I was endeavoring to say that the sole issue, as I see it, before the Senate is whether or not the Senate shall run away from the apportionment issue again or whether it shall meet it on its merits. Upon that proposition I submit that the Senate owes the country a show-down in the open upon the merits or demerits of the question. I do not think we should be deceived by any suggestion that there is such a serious default in the object of the legislation itself that the legislation is not entitled to consideration on its merits.

I can not help but remember that on yesterday in one of his familiar philippics the Senator from Mississippi [Mr. HARRISON] expressed his pious indignation at that time lest the farm bill be sidetracked because of some alleged constitutional technicality in relation to its consideration. He was outraged by the contemplation that anyone should rely upon technical constitutional technique as an argument against consideration of the merits of the challenge. He shook with emotion. I was greatly moved by his stirring address. In fact, I should like to quote from page 1252 of the RECORD his very stirring words:

> It is the first time—
>
> Said the Senator from Mississippi—
>
> It is the first time, so far as I know, that technicalities have been threatened to forestall legislation in behalf of anybody, and to keep a measure from coming to a vote on its merits.

Mr. HARRISON. Did the Senator agree with me?

Mr. VANDENBERG. I certainly did.

Mr. HARRISON. I am glad to hear that.

Mr. VANDENBERG. I shall now proceed to show, however, that the Senator was in disagreement with himself.

Mr. HARRISON. Mr. President, will the Senator yield to me?

Mr. VANDENBERG. I yield.

Mr. HARRISON. I am not employing any technicalities now; I am saying that it seems to me it would be but good taste to let the House of Representatives first consider this matter.

Mr. VANDENBERG. Mr. President, may I continue the exhibit?

Mr. HARRISON. Oh, yes; and so long as the Senator will quote from me he will make a good speech.

Mr. VANDENBERG. I shall continue to quote from the Senator, and if he will bide the presentation, I am sure he will agree that I have made a good speech. It seems to me, however, that he must have held his very glib tongue in his cheek when he was making that appeal on yesterday, because I can not forget the evening of February 27, 1929, although it is to the Senator's credit if he is trying to forget it, when the Senator made the statement which I shall quote. Mind you, this is the utterance of my distinguished and amiable friend who said on yesterday that he had never known of an effort to invoke technicalities to defeat any legislation. Now, reading from the RECORD of February 27 last:

> Mr. VANDENBERG. Does the Senator mean that it is his purpose to invoke all possible of the technical and dilatory rules of the Senate in order to prevent an expression by a roll call on the part of the Senate upon the constitutional question involved in the reapportionment bill?
>
> Mr. HARRISON. Absolutely; and there are others who believe as I do.

Mr. HARRISON. Mr. President, the Senator realizes that the House had passed that bill during the closing hours of the

session. It came over here, and the committee, of which the Senator is a very able member, gave it no consideration. It projected it here and was trying to put it through within a few days.

Mr. VANDENBERG. I do not blame the Senator from Mississippi for trying to turn the point of this exhibit. The point of the exhibit is that technicalities have been resorted to frankly, almost contemptuously, by the Senator from Mississippi himself in the past in order to prevent consideration of this measure. Therefore I am put on notice lest he shall renew such practice.

I prefer my able friend's speech of yesterday to his actions of three months ago. I stand with my distinguished friend upon his statement of yesterday, as I said to him a few minutes ago, that the Senate ought not to prevent a fair and square consideration of the merits of an issue which involves the representative rights of 32,000,000 people. Upon that basis, upon the theory that we merely are asking that the Senate face the challenge, I submit that the motion should prevail.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. VANDENBERG. I yield.

Mr. ROBINSON of Arkansas. What is preventing the Senate from taking a vote on the motion at this moment?

Mr. VANDENBERG. The only thing, I hope, that is preventing it is the response which I have been rather poorly making to the dilatory observations of a multitude of Senators upon the other side of the aisle. I will join with the Senator from Arkansas in submitting this question to a vote right now.

The VICE PRESIDENT. The question is on the motion of the Senator from California.

Mr. WALSH of Massachusetts. Mr. President, I do not propose to delay taking a vote on the pending motion. I urged the passage of the reapportionment bill and the census bill at the last session, and I now favor action upon the measure before the Senate. I do want at this time to express my regret that the committee failed to give any consideration to the suggestion presented in the last Congress and urged again and again on the floor under the leadership of the former Senator from Maryland, Mr. Bruce, to incorporate a provision in the census bill to place these employees under the classified civil service. I have read the report of the committee, and I find not a single word in that report dealing with the matter of civil service. In my judgment, it is a great step backward to undertake the important work of obtaining a correct census of the people and of the activities of the citizens of the United States without having the very best possible employees selected. I can not conceive of any sound or patriotic reason why the committee should have failed to consider that aspect of the question, especially in view of the agitation that took place in this Chamber during the last session of Congress and the certainty that an effort would be made upon the floor of the Senate for an amendment to that end.

I hoped the committee reporting this bill had learned something from past experiences. In the instances where the census was taken by civil-service appointees the results have been in the main satisfactory; when the census was taken under a system other than that of appointments by merit there has been a certain amount of maladministration and, in some instances, grave inaccuracies, if not absolute frauds. This important governmental undertaking should be removed from every scintilla of corruption, extravagance, inaccuracy, and abuse that it is possible to eliminate. The system in our Government that has contributed most to eliminating incompetency in official service has been civil service. It has not given us the millennium, but the advance has been such that no one dares to advocate a return to the old order.

I am informed there will be approximately 500 supervisors in the field during the taking of the census; that each supervisor will select the enumerators under him—95,000 in all—direct them, and be responsible for the work in his district; that the length of employment for supervisors will be four months to a year. Further, I am informed that it is estimated about 2,000 special agents will be needed, who will collect statistics in the field. Records of marriage and divorce, religious bodies, city and State finance records are made by special agents.

The issue is plain whether we should select these important public officials upon a basis of political affiliation and without regard to fitness for the work to be done or will we do it on the basis of merit. Are the public funds to be largely wasted by making these appointments a matter of political reward, or is the Public Treasury to be protected to the extent of having employees selected of such character as to reduce inaccuracies and negligence to a minimum?

A census which is taken under any system other than that of merit is certain to be discredited. If a census is to be taken through political agencies rather than nonpolitical agencies, there will be a general objection against the fairness of a census so taken.

Furthermore, the Members of the Congress ought not to be subjected to the loss of time from their duties and the trouble of receiving and passing upon applications for appointments in the census. There are too many serious problems that require our entire thought and attention without the burden of distributing political patronage among the hundreds who will appeal to us for census jobs.

We have been making progress in getting away from the spoils system, and I regret to note that the Committee on Commerce have given their approval to the system that long ago was repudiated by the people of the country.

Every experience of the past prompts us, if we want an honest and reliable count and prevent the wastefulness resulting from incompetent officials, to appoint census takers under civil service.

It has been intimated, though I have heard other reasons assigned, that the date for the taking of the census has been changed from May, 1930, to November, 1929, so as to afford the excuse that it will be impossible to have employees under the census selected according to civil-service rules and regulations.

Mr. VANDENBERG. Mr. President——

Mr. WALSH of Massachusetts. I know another reason is suggested, namely, that the agricultural interests of the country have requested that the census be taken in November rather than in May; but the other reason to which I have referred has been suggested also. I am sure we will hear it said upon the floor that there is not time between now and November to have civil-service tests and examinations held in order that census employees may be selected by that method.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield.

Mr. WAGNER. The Civil Service Commission, which, I presume, knows more about the subject than any of us, says that there is ample time to conduct examinations and to provide for the necessary tests of persons employed in taking the census.

Mr. WALSH of Massachusetts. I am pleased to have that information. It eliminates from the discussion the argument that time will not be afforded to make use of the civil service law.

Mr. President, we are face to face with the issue whether or not we are going to repeat the frauds and scandals which have occurred in the taking of previous censuses by selecting census employees, nearly a hundred thousand of them, on the basis of political favor, or whether we are going to try to secure intelligent, efficient, capable, honest employees whose records and capacity have been searched by the one bureau of this Government whose duty it is to provide the governmental service with efficient employees.

The census is not merely an enumeration of individuals, but is as well an enumeration of the business activities of the people of this country. We want intelligent supervisors and enumerators; we want honest employees; we want only representative and honorable servants of the Government to visit our homes and offices; and I hope that the committee, while this bill is under discussion, will consider seriously the question of applying the law and regulations of the civil service to this important class of employees and accept or even itself propose an amendment.

I repeat, we want men and women of character and suitable education to do this work. Every Senator on this floor has been and is now being importuned with political and personal appeals for these jobs under the census. Many, I fear, believe it is a political sinecure. We know what the result without civil service will be: Haphazard recommendations from Representatives and Senators and political bosses, and whoever has the greatest political pull and political influence will in most districts be appointed to perform this important public service.

Mr. President, before this measure shall be taken up and while it is under consideration, I want to protest vigorously and emphatically against the census being taken merely upon the basis of political favor, partisan benefit, and party reward. I urge the Senate, when it reaches the amendment which is to be proposed by the Senator from New York [Mr. WAGNER], to put the taking of the census once for all on the basis of the civil service law and rules. Let us get rid of the mistakes and corruption which have been associated with the taking of the censuses in the past and have caused the scandals connected with it. Let us strive to get for the census a certain public confidence in its reports. I sincerely hope that the amendment

which will be proposed by the Senator from New York will be adopted.

Mr. SWANSON. Mr. President, there has been a misconception in regard to the real effect of the bill which the Senator from Michigan seeks to have the Senate consider. The country has been made to believe that it is a measure providing for an apportionment of Representatives according to the census to be taken. On the contrary, it is a measure providing for future apportionments; it is a measure that will remain on the statute books, if enacted, until Congress shall repeal it. It is useless to try to get away from the fact that it is a measure providing for apportionment for all time to come until Congress shall be able to repeal it.

Consequently, not being a real apportionment measure, the only question left for Congress to determine is as to whether it is a wise or an unwise thing to do. That is the issue; not whether people shall be deprived of representation or whether others shall be given representation in districts and States which are now deprived of it. This bill does not propose to do that. The only issue is, Is it a wise thing for Congress to surrender its power of apportionment; its power to correct frauds in the taking of the census; its power to determine what the apportionment shall be, and to enact a statute which shall continue for all time to come unless repealed?

Even in that respect it has been sought to deceive the people by saying that the measure, if enacted, may be repealed by Congress at any time. They speak as if a gracious privilege were being accorded to Congress whereby it might change the bill if enacted into law in three months. Congress, of course, has the power to amend or repeal any statute at any time. The Constitution gives it that power; and when it is provided that Congress in the future shall have that power, all it does is to make the proposed statute effective for all time to come, unless Congress shall repeal it.

Mr. President, I wish to reply to some remarks made by the distinguished Senator from Michigan [Mr. VANDENBERG] in regard to the constitutional question he has presented. Under the Constitution Congress itself has the power to make an apportionment of Representatives. That power is not given to the President; it is not given to the head of any department; it is a power lodged in Congress. I am tired of seeing the power which has been entrusted to Congress being parceled out to the President and to bureaus. Has the time come when the Senate, Republican by a majority of 16, and the House of Representatives, Republican by a majority of over 100, can not be trusted to discharge their constitutional duties? I might have some apprehension on that score, but I am astonished that the distinguished Senator from Michigan should be apprehensive as to his own party discharging its duty.

There is another mistake which the Senator has made. He said the Senate is a continuing body. That is true in a certain respect, but in all matters which require joint action of the two Houses the Senate is not in effect a continuing body. When a given Congress expires on the 4th day of March the life of the House of Representatives expires with it, and consequently the Senate is not such a continuing body, even in a remote degree, as could consider a bill which had been passed by one Congress after the expiration of that Congress, unless the House of Representatives was also organized and in session. So in all matters that require the joint action of the two Houses the Senate ceases to be a continuing body, and of course bills which have failed of passage in one Congress must be reintroduced in a subsequent one.

The Senator seems in a derisive kind of way to toss aside the allusion made with respect to general appropriation bills. It appears that the Senator thinks it hardly worth while to consider the suggestion made in reference to the general appropriation bills or the parallel between that case and this. Now, let us see whether the allusion should be treated with the derisive smile with which it was apparently greeted by the Senator from Michigan.

From time immemorial it has been customary for all general appropriation bills to originate in the House of Representatives. I can not recall a case during the years I have been a Member of the Senate where a general appropriation bill has ever originated in the Senate, though its power in this respect has been claimed by many to be concurrent with that of the House of Representatives. There never has been a bill to fix the apportionment of the House of Representatives that has not originated in the House of Representatives, if I am correctly informed. Why? We do not increase or decrease the number of Senators. Whether this bill shall pass or shall not pass, each State will still have its two Members in the Senate. It does fix the basis of representation and the number of representation given to each State in the House of Representatives. So from the foundation of the Government it has been considered a proper method of legislation for all bills apportioning the membership in the House of Representatives to originate in the House. There can not be found a case in which this practice has ever been deviated from.

What is the broad constitutional method by which this is obviated, presented by the distinguished Senator from Michigan [Mr. VANDENBERG]? He says the Senate and House of Representatives have passed a bill making an apportionment; it failed in the Senate, and then the House of Representatives of the Seventy-first Congress must waive their right to originate this legislation in favor of the new Senate which came in on the 4th of March last. The position I take is that, so far as the Senate is concerned, in the customary method of conducting legislation between the two bodies, it is precisely as if the bill had not been pending in the Seventieth Congress and failed on the 4th of March. The Senator, however, says that, having once passed the House, the Senate now has a right to originate it because the Seventieth Congress failed to pass it. Why, that is a violation of every custom; it is a violation of every right that the House has exercised upon this question from the foundation of the Government.

If they can do it in this case, and violate the custom, why can they not do it in the case of general appropriation bills? The same custom applies to one that applies to the other. If a general appropriation bill failed in the last Congress, if it died because it was filibustered or delayed in the Senate, then will the custom arise that the Senate has a right to introduce that general appropriation bill, pass it, and let the House consider it? Exactly the same reason which can be given for one may be given for both.

The right thing to do is to send this bill back to the committee and let it stay in the committee until the House of Representatives of the Seventy-first Congress, which has the right to originate this legislation, has passed the bill; then let the Senate committee take it up and report it to the Senate. That is the proper procedure; that is the right course to pursue, and not to pass a statute fixing for all time to come, until repealed by Congress, a method of apportionment known as the major-fractions method, which I doubt if anybody can explain except the distinguished Senator from Michigan; and I doubt whether he can explain it either to his own satisfaction or to the satisfaction of a half dozen Senators. Yet we are called on to do what? To pass a law fixing a new method of apportionment of Congressmen, apportionment in the Electoral College, apportionment of power for choosing a President and power in this Government, by a scheme that has hardly been considered and has been repudiated by nearly all of the experts upon this question except one or two who seem to have seduced the Senator from Michigan.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Simmons
Ashurst	George	McKellar	Smith
Barkley	Gillett	McMaster	Smoot
Bingham	Glass	McNary	Steck
Black	Glenn	Moses	Steiwer
Blaine	Goff	Norbeck	Stephens
Blease	Goldsborough	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Brookhart	Greene	Oddie	Thomas, Okla.
Broussard	Hale	Overman	Townsend
Burton	Harris	Patterson	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Tyson
Connally	Hawes	Pittman	Vandenberg
Couzens	Hayden	Ransdell	Wagner
Cutting	Hebert	Reed	Walcott
Dale	Heflin	Robinson, Ark.	Walsh, Mass.
Deneen	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Sackett	Warren
Edge	Kean	Schall	Waterman
Fess	Keyes	Sheppard	Watson
Fletcher	King	Shortridge	Wheeler

Mr. DILL. My colleague [Mr. JONES] is absent on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from California [Mr. JOHNSON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which had been reported from the Committee on Commerce without amendment.

Mr. SACKETT. I desire to offer an amendment to the pending bill. I ask that it be read. It is very short.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 16, line 15, after the word "State," it is proposed to insert the words "exclusive of aliens and."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. DILL. Mr. President, I desire to offer an amendment and have it read and lie on the table.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 5, line 13, after the word "unemployment," it is proposed to insert the words "to radio sets."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. TYSON. Mr. President, I desire to offer an amendment, which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 16, line 16, after the word "taxed," the Senator from Tennessee proposes to insert the words "and aliens."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BLACK obtained the floor.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. BLACK. I yield to the Senator.

Mr. WATSON. I would like to make a statement to the Senate and submit an inquiry. It is my understanding that at 2 o'clock the Senate will proceed to the consideration of executive business for a particular purpose. Objection was made that it should not be done before the last vote was taken on the farm relief bill, on the ground that the matter in question was to be taken up on the first legislative day after the final vote on that measure. It is quite evident that the debate on the pending bill will run on for some time, and therefore I want to ask unanimous consent that we proceed to the consideration of executive business at this time, because the Senator from Alabama, I am told, desires to proceed at length, and I would not wish to interrupt him after he had spoken 15 minutes. If the Senator from Nebraska will accede to my theory, we can proceed now to the consideration of the particular matter to which I have referred.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield.

Mr. NORRIS. The unanimous-consent agreement is that at 2 o'clock on the legislative day following the disposition of the farm bill we shall go into executive session for the purpose of taking up the nomination of Mr. Lenroot. As far as I am concerned, I would just as lief do that now as to wait, but I would like to call the attention of the Senate to the unanimous-consent agreement, and suggest that no one knows how many Senators have absented themselves to-day who are interested in that nomination, and who would have a right to believe, from the unanimous-consent agreement, that the nomination to which the Senator has referred could not be taken up to-day without a violation of the unanimous-consent agreement.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. NORRIS. Not at present. It seems to me that the only thing the Senate can do, in justice to all the Senators, is to abide by the unanimous-consent agreement. I do not want to be put in the attitude of objecting, but, at the same time, the agreement we have made is as I have stated it, and under that agreement we could not take up the nomination to-day. If we took it up and some Senator came in to-morrow who is not here to-day and who wants to be here when it is considered, would he not have a just ground of complaint that the Senate had not acted in good faith? It does not seem to me that Senators ought to try to change the unanimous-consent agreement.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. BLACK. I yield.

Mr. GOFF. It was my understanding, at the time the unanimous-consent agreement was entered into, that we should proceed to the consideration of executive business at 2 o'clock on the day following the passage of the farm relief bill. The Senator from Nebraska is correct in his statement that the expression "legislative day" appears in the unanimous-consent agreement, but I submit that it was inadvertently used, and it was not the understanding or general agreement that it should be on the first legislative day following the passage of the farm bill, because the general understanding actuating all of us when we entered into the unanimous-consent agreement was that we should take this matter up immediately following the passage of the farm bill, and go into executive session at 2 o'clock on the day following thereafter.

Mr. WATSON. Mr. President, I have no desire to take the nomination up in opposition to the wishes of the Senator from Nebraska.

Mr. NORRIS. I do not want the statement to go unchallenged that the word "legislative" was inadvertently used. I am the author of the unanimous-consent agreement submitted in executive session, and I particularly put that word in. I was questioned about it on the floor of the Senate, and I stated why I put it in.

Mr. WATSON. That is correct.

Mr. NORRIS. So there was no misunderstanding at that time. Since I made my remarks a few moments ago a Senator called my attention to the absence of one Senator who is interested in the nomination. I do not want anybody to get the idea that I care particularly; I would just as lief take the matter up now as at any time, but I do not know any reason why we should violate the unanimous-consent agreement, and therefore I object.

Mr. WATSON. Very well.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. BLACK. I yield.

Mr. GOFF. I again reiterate that the expression "legislative day" did not express the general understanding, as I understood it at the time it was entered into, because if that had been the agreement we could have prevented the Senate from recessing last night.

Mr. BLACK addressed the Senate. After having spoken for some time—

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. PINE in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. I do not know that I am entirely in sympathy with the position of the able Senator from Alabama, but it is a very important question that he is discussing and I think the views which he is expounding should be understood by the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Simmons
Ashurst	George	McKellar	Smith
Barkley	Gillett	McMaster	Smoot
Bingham	Glass	McNary	Steck
Black	Glenn	Moses	Steiwer
Blaine	Goff	Norbeck	Stephens
Blease	Goldsborough	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Brookhart	Greene	Oddie	Thomas, Okla.
Broussard	Hale	Overman	Townsend
Burton	Harris	Patterson	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Tyson
Connally	Hawes	Pittman	Vandenberg
Couzens	Hayden	Ransdell	Wagner
Cutting	Hebert	Reed	Walcott
Dale	Heflin	Robinson, Ark.	Walsh, Mass.
Deneen	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Sackett	Warren
Edge	Kean	Schall	Waterman
Fess	Keyes	Sheppard	Watson
Fletcher	King	Shortridge	Wheeler

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The Senator from Alabama will proceed.

Mr. BLACK resumed and concluded his speech, which is as follows:

Mr. President, I desire to discuss the pending bill, which is designated as a bill to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress. I wish to say in the outset that the probability is that if this bill should be voted on to-day, it would carry by an overwhelming preponderance of the Senate. It is my judgment that if the bill were understood and its effect fully appreciated the bill would not only fail to pass to-day but would fail to pass at any time in the future.

There are Senators here whom I have heard proclaim loud and long against the whittling away of congressional power, against the centralizing of Government in the hands of bureaus and departments in Washington. Some of those very Senators have been active up to this time in seeking to bring about the passage of this bill, and have circulated the report that it is a reapportionment bill. In order that there may be no misunderstanding, I wish to begin my remarks with this statement, that I favor a reapportionment of Representatives in Congress. I favor a reapportionment every 10 years. I favor a reapportionment according to constitutional methods by the Congress.

There has been a distinct effort on the part of the press, and on the part of those favoring this bill, to seek to create the impression that those who oppose the bill are opposed to reapportionment. That statement is not correct.

This bill, in effect, in so far as reapportionment is concerned, is an amendment to the Constitution of the United States. It proposes an amendment which was not incorporated in the original instrument, and which the founders of this Government declined expressly to include in the original document.

The proposition was made from the floor of the Constitutional Convention several times to put in the Constitution of the United States in the beginning a stipulation to the effect that Congress must reapportion every 10 years. Arguments were made on that theory. There were some who favored it and some who opposed it. But now the proposition is made by those who favor this particular bill to amend the Constitution not in the due and orderly method provided within the four corners of that document but to amend the Constitution by a bill in Congress, passed by both Houses.

I will state exactly what would happen. Of course, I understand that there has been an overwhelming sentiment created in the country, an attempt to lead the people to believe that this is a reapportionment bill, and that Congress is now seeking to do its duty. Many people say that. Those unthinking and unknowing take the position that the opposition to this bill is an opposition to constitutional reapportionment. This bill does not provide for reapportionment. A reapportionment bill is one which provides that each State shall have a certain number of congressional Representatives. This bill does not do that.

The last census that was taken, in 1920, could have been used since that time for the purpose of apportioning Representatives in Congress. The Congress has not done that, and it is not doing it in this particular bill. It makes no effort to do it.

This is misnamed a reapportionment bill. It should be designated as a bill to turn into the hands of the Executive the veto power in the future over Congress as to the methods of determining the representation of the various States.

Why do I say that? This bill provides, in effect, that after the next decennial census there shall be prepared, according to the system of major fractions—which is iniquitous in itself—a list of the Representatives who should be apportioned to each particular State, and that that shall be submitted to Congress. If Congress fails to act, or if Congress tries to act and the President vetoes the bill they may pass, the result will be that there will have gone into effect a bill which might be contrary to the votes of a majority of the Members of the Senate and of the House. That would be, in short, the effect of this bill. Yet there are men who have listened to the hue and cry and the clamor for reapportionment, some of whom have committed themselves to this measure, who do not know that in so doing they are stripping the body of which they are members of a part of the power which the fathers of this Government gave them, and which they expressly declined to withhold from the Senate and from the House.

The proposition was made in the original Constitutional Convention to limit the powers of Congress with reference to reapportionment. The suggestion was made that Congress might not reapportion each 10 years. Arguments were presented on the floor of the Constitutional Convention to that effect. The men who wrote the Constitution did not believe those arguments were correct. The men who wrote the Constitution said, "Let Congress itself determine each 10 years, from the evidence before it, whether it thinks it is wise to have reapportionment or whether it thinks it is not." And because the Constitution did not contain the mandatory provision upon the people of this Nation to reapportion each 10 years, Mr. Mason, of Virginia, went back to his State and fought the Constitution.

The result is that we find the Constitution does not say that Congress must do this every 10 years, nor does it place that power anywhere. The suggestion was made that it be left to the States, and that was declined.

I do not mean to leave the impression that I am opposed to a reapportionment each 10 years. Personally I favor it. If I had been in the Constitutional Convention, I would have voted for a mandatory provision. But the majority of the members of that body—and its wisdom has never been disputed—declined to put that in the body of the instrument. And now the Congress is assuming to itself a monopoly of wisdom and virtue and attempting to tie the hands of succeeding Congresses when the Constitution makers themselves would not tie the hands of a single Congress.

I have not made these statements with reference to the proposition without getting the debates as they fell from the lips of those who drew that great instrument. I desire to read just a few statements in order that there can be no question that the matter of tying the hands of this Congress and of future Congresses was presented to the makers of the Constitution, and they expressly declined to accept the idea:

> The committee to whom was referred the first clause of the proposition reported from the grand committee that in the first meeting of the legislature the first branch thereof consist of 56 Members, of which the State shall have the following numbers. But as the present situation of the States may probably alter as well in point of wealth as their inhabitants, that the legislature be authorized from time to time to augment the number of Representatives.
>
> Mr. Randolph disliked the report of the committee, but had been unwilling to object to it. He was apprehensive that as the number was not to be changed until the National Legislature should please, a pretext would never be wanting to postpone alterations and keep the power in the hands of those possessed of it.

Bear in mind that Mr. Randolph presented to that body the very argument which the Senator from Michigan [Mr. VANDENBERG] has presented to this body. Mr. Randolph said he was apprehensive that as the number was not to be changed until the National Legislature should please, a pretext would never be wanting to postpone alteration. The writers of the Constitution did not see fit to adopt Mr. Randolph's idea, but the Senator from Michigan in this late day, approximately 150 years after the Constitution was written, comes in with a proposal to amend the Constitution not in the way provided in the Constitution—that is too slow and cumbersome for the Senator who wants to amend it—but to amend it by a simple act of Congress. How would he amend it? I will tell you, Mr. President.

If in the next session of Congress after the census is taken those opposed to the method of major fractions shall say, "We will adopt the method of equal proportions," there will be no legislative handicap; no legislative hurdle to stand before it; neither will there be any executive hurdle. But if the bill becomes a law and Congress wishes to adopt the method of equal proportions after the census is taken and the President is opposed to the method of equal proportions, he can veto any bill that is passed, and unless there is a two-thirds vote the Congress can not obey the constitutional mandate given it in that great document.

Mr. Randolph said that it did not satisfy him. The Senator from Michigan says that the Constitution does not satisfy him. Mr. Randolph attempted to fight it out on the floor of the hall where the Constitution was adopted. The Senator from Michigan proposes to fight it out not by a referendum to the people of the Nation but in the Halls of Congress, in the Chamber of the Senate itself.

That is the first thing that is proposed. It is an amendment to the Constitution of the United States by simple legislative enactment, and yet the public is so poorly informed as to the real underlying issue behind the great fundamental principle which is involved that they take the position that the man who dares fight in order that the legislative power may still have just a few crumbs left from the table is opposed to reapportionment.

It is not surprising that in the same Congress where it is suggested that the President be given the power of the purse, as well as of the sword, it should also be suggested that in addition to the purse and the sword he shall be given the power to determine how many Representatives shall come from Alabama, Mississippi, Montana, California, and the other States of the Union. It is not at all surprising in a Congress which has, so far as its committee is concerned, bent a subservient knee to the President's power and has reported a bill which gives to the President of the United States for the first time in all the history of the Government the power to determine what taxes shall be raised by the tariff, that seemingly a great majority of the dominant party of the Nation has bound itself by a coalition to put through another bill giving to the President new and additional and unheard of powers.

Mr. President, the committee has sought to obviate the objections to the bill wherein it was originally suggested that the power was too much for the Secretary of Commerce by transferring it to the President, exactly the same as the difference between tweedledum and tweedledee. What difference does it make in so far as determining the great sacred rights of representation of the people of the country whether it is vested in an appointee of the President removable at his pleasure, or placed directly in the hands of the powerful Executive himself? Not one particle of difference in the final analysis, and yet there are Senators who have pledged themselves to support this judicial monstrosity which will prevent, as it does, the Congress from exercising a supervisory power of the people in this great democratic Nation who have taken the position that it is somewhat of treason against the Constitution and the Government to take the stand that one prefers, so far as he is concerned, to

keep the powers of Congress in the hands of Congress to whom they have been intrusted by the Constitution.

(At this point Mr. BLACK yielded to Mr. KING, who suggested the absence of a quorum, and the roll was called.)

Mr. BLACK. Mr. President, it is easy to understand that Senators who have already made up their minds on the reapportionment bill are not interested in any discussion that may be made in reference to it. However, I venture the assertion that if the Senators of this body will study the bill it will not pass the Senate of the United States. I do not expect them to do that. The Republican Party has been in authority for eight years and as yet nothing has been done. It is not a partisan issue, and should not be a partisan issue; but, irrespective of the merits or the demerits of the measure, the almighty fiat has gone forth that the bill must pass.

Of course, it makes no difference that by such action the Senate is taking away from itself its own powers and responsibilities; that is immaterial. The high and mighty powers have decreed that the bill must pass. Even my good friend from California to-day, referring to a Senator on this side of the Chamber who happened to make a statement, indicated that his objection to the bill was on account of the fact that his State would lose a Representative. I want it understood that neither the Senator from California, the Senator from Michigan, nor the Senator from any other State will vote for a real reapportionment bill any quicker than will I.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. BLACK. I yield.

Mr. BARKLEY. Might it not be quite as fair and just and logical to assume that Senators who are unusually anxious to secure the passage of the bill are actuated by the fact that their States would gain Representatives in Congress as to impute to those who are against it the motive that they are against it because their States would lose Representatives?

Mr. BLACK. It would be just as fair. I take the position with reference to the bill that it is an abdication by the Senate of its constitutional powers; it tends further to centralize in the hands of the President authority which it was never intended he should have and which he never should have unless we, too, desire to converge gradually to the point where the Government shall be run as Mussolini runs the Government of Italy. I realize, as do many others, that there is a great deal of sentiment all over this Nation in favor of Mussolini running Italy, because, they say, he establishes order and security. There are people who bow down at the shrine of order and security and who forget that liberty is and has been all down the ages more valuable than are order and security.

I shall state briefly what this bill, if enacted into law, will do. I wish that some of the Senators who are opposed to further concentration of power in the hands of the President would tell those Senators who have already pledged themselves to vote for the pending measure what the bill proposes to do. Of course, they are too busy to study all of the bills which are brought before the Senate; every Senator is. The bill should be entitled "An act to amend the Constitution of the United States by legislative action."

As I said a moment ago, Mr. Randolph in the Constitutional Convention objected to a proposition of the same character as that contained in the pending measure when it was suggested there; but the Commerce Committee of the Senate, without even giving the question the dignity of a hearing, has in effect taken the position that, since for eight years the dominant party has failed to make a reapportionment of the country, we must carry through this sham and subterfuge under the theory that it is a reapportionment when every sane man knows that it is not. There will not be any question, and the Committee on Commerce knows there will be no question, about reapportionment after the next census shall have been taken. If they have the votes now, they will have the votes then. What right have we to assume that we are more virtuous, honorable, holy, and patriotic, that we are more devoted to the Constitution of the United States than succeeding Congresses will be? Of course, we may be; most people believe, perhaps, that they are better than others; and that is the reason why we are now attempting to tie the hands of future Congresses by the hands of this most amiable, virtuous, honorable, and patriotic body.

However, when the matter came up in the Constitutional Convention the great writers of that document did not agree with the Senator from Michigan and the Senator from California. They declined to put into it the very principle that is now being sought to be foisted upon the people of this Nation.

Mr. Randolph was opposed to reduction of New Hampshire not because she had a full title to three Members but because it was in his contemplation, first, to make it the duty, instead of leaving it to the discretion of the legislature, to regulate the representation by a periodical census.

In other words, the objection was made in the Constitutional Convention that it should be made the duty and not left to the discretion. The writers of the Constitution declined to put that principle in that document, but the Commerce Committee of this body proposes to write it on the statute books and not even to give it the dignity of making it an amendment to the Constitution of the United States.

Of course, when these suggestions are made they are not interesting to those who are to pass upon the measure. The almighty decree has gone forth, the knee must be bent, and what difference does a little thing like the Constitution make when the Republican Party has failed for eight years to perform its duty and now must give to the people a salve which does not even cover the wound?

The Senator from Michigan very eloquently stated at the last session of Congress that the failure to reapportion the States might have affected the last presidential election. I make the statement upon the same authority, that turning over to the President of the United States the power to determine how many Representatives shall come from Alabama, from Massachusetts, from New York, and from California might change the political fate of this Nation, and where the contest is close the President would have it absolutely within his power and under his control to keep his party in power by changing the representation of the various States. That is all right; it is perfectly all right to give the President the power to change congressional representation and thereby change the electoral votes for President, because the almighty decree has gone forth; and has not the Republican leadership, after references to "pseudo-Republicans," brought calm and peace and tranquillity? Has not the storm which threatened subsided and the waters become as calm as upon a summer's morning? Certainly; and the decree has gone forth.

The Constitution provides that apportionment shall be left in the hands of the House of Representatives and the Senate. The President says in his message, in effect, in practically approving this bill as it was here at the last session, "What is the Constitution between friends? We will change it by a bill." But when that is done it means that the present President and the succeeding Presidents will have the power to thwart the bill of Congress with reference to representation from the States of this Union.

In the Constitutional Convention—

Mr. Randolph moved as an amendment to the report of the Committee of Five "that in order to ascertain the alterations in the population and wealth of the several States the legislature should be required to cause a census, an estimate to be taken within one year after its first meeting and every ——— years thereafter, and that the legislature arrange the representation accordingly."

The writers of the Constitution declined to adopt a mandatory provision; but the Senator from Michigan and the Commerce Committee do not even dignify the question by a hearing. The majority of the great men who wrote that immortal document which has challenged the admiration and wisdom of the ages declined to accept the proposition to make it absolutely mandatory; but the Commerce Committee would make it mandatory merely by an act of Congress. What difference does it make that the writers of the Constitution declined to do it? Here stands this all-powerful, all-virtuous, all-patriotic Congress, better than any in the past, because they say the others have not done their duty, better than any in the future, because they say, "We must tie the hands of the Congresses of the future," and what are they going to do? The present Congress, which contains a monopoly of virtue and honor and patriotism, are going to tell succeeding Congresses how they must act in obedience to a constitutional provision which the writers of the document itself declined to make anything more than discretionary.

In the convention—

Mr. Mason did not object to the conjectural ratio which was to prevail at the outset, but considered a revision from time to time, according to some permanent and precise standard, as essential to the fair representation required in this first branch.

I agree with Mr. Mason. I think that Mr. Mason was right; but the writers of the Constitution did not think so, and they did not put it in the document. But in the year 1929 the Congress, the greatest Congress of all time, greater than that which sat under Napoleon, greater than the lawmakers under the French Republic, greater than those who sat under the magic spell of the eloquence of Cicero, greater than those of all the parliaments of all the ages—the Congress of the United States in 1929 will amend the Constitution of the United States by

statute. Why? Because the decree has gone forth that something must be done. Of course I would not intimate that a man whose State is going to gain Congressmen would be influenced by that. I think there are very few who would; but it does seem a strange situation when there will be boldly presented to the Senate of the United States, without hearings, a bill which overrides in one jump the combined wisdom of the writers of the greatest document that the world has ever known as a charter of human freedom, and then when any man who dares to raise his voice against it is practically accused of being against an equal representation of the people of the Nation!

No man can question the fact that if Congress will swallow this bill it will vote for a straight reapportionment bill after the census is taken. Why, therefore, is it so necessary? Why is haste so imperative? Why has patriotism reached such a high tide that now we must act; we must not wait a minute, not to give a reapportionment, but simply to provide that Congresses of the future shall do their duty?

Of course, there always has been a presumption that men were honest; but that presumption is wiped out. There always has been a presumption that men would perform their constitutional duty; but that presumption has been dissipated by the Commerce Committee. There always has been a presumption heretofore that men were innocent until they were first proven guilty; but now the rules have been changed. The great Congress of 1929—this body which possesses the quintessence of wisdom, this body which has patriotism to the superlative degree, this body which alone of all the bodies since the beginning of this country has fully understood and appreciated the Constitution—has done away with those rules. We are now to presume that every man is guilty until proven innocent. We are now to presume that no man does his duty. We are now to presume that we must act for the Congresses of the future, because we know that they will violate their solemn oath under the Constitution.

Mr. Williamson, in the convention, "was for making it the duty of the Legislature to do what was right"—that was his statement—"and not leaving it at liberty to do or not to do it."

That is the position of the Senator from California and the Senator from Michigan. They say that you ought not to leave it up to Congress; you ought to make it imperative; but, unfortunately for their position—oh, I should not say that. I started to say, unfortunately for their position, the writers of the Constitution did not agree with them; but I withdraw that statement. Of course, the Congress of 1929 is wiser than the immortal Washington. Its Members have more patriotism than the immortal Randolph. They have more integrity than Mason. They have more virtue than those men who sat there throughout the burning summer months and drafted that great document of human liberty. The Congress of 1929 is so great that it will override the Constitution. Why? The immortal fiat has gone forth. The bugle call has been sounded. "To arms! To arms!" says the bugle call. "Let all who are not pseudomembers of the party retrieve the party errors and failures for the last eight years!" Some voice is raised in protest, and says, "But I prefer to reapportion in the constitutional way." Why, what are constitutional methods when loyalty to party is at stake?

Gouverneur Morris—

And I suggest that some of my friends across the aisle who admired Gouverneur Morris and Mr. Hamilton, all those of that political persuasion, listen to these words of wisdom falling from the lips of Gouverneur Morris:

Gouverneur Morris opposed it—

That is, the proposition to make this mandatory—

as fettering the Legislature too much. * * * He was always against such shackles on the Legislature. It was objected, he said, that if the Legislature are left at liberty, they will never readjust the representation—

It seems to me that I have heard those words before—

It was objected, he said, that if the Legislature are left at liberty, they will never readjust the representation. He admitted that this was possible; but he did not think it probable unless the reasons against the revision of it were very urgent, and in this case it ought not to be done.

That is what Gouverneur Morris said in the Constitutional Convention, and that was the viewpoint that was adopted and written into the document; but now we are to amend that Constitution. Will the State of Michigan, from which my good friend comes as a representative, have a right to vote upon that amendment? Oh, no! Will the State of California, from which the genial Senator from California comes, have a chance to vote upon that constitutional amendment? Oh, no! Will any other State? Will the people of any State have an opportunity to vote upon this amendment which this good Congress of 1929 is now going to engraft on the document? No such opportunity will be given them, because it is proposed here to amend the Constitution of the United States by a simple act of Congress.

That was the situation; so Mr. Rutledge comes in, and he contended for certain things, and offered a suggestion as to an amendment. He proposed that—

At the end of ——— years after the first meeting the Legislature, and of every ——— years thereafter, the Legislature shall proportion the representation—

And so forth. That was declined. It was not written into the Constitution. It is not there to-day, but it is proposed to put it there by a simple act of Congress.

Mr. Reed thought the Legislature ought not to be too much shackled. It would make the Constitution like religious creeds, embarrassing to those bound to conform to them, and more likely to produce dissatisfaction and schism than harmony and union.

Mr. Wilson had himself no objection to leaving the Legislature entirely at liberty. * * *

Mr. Gorham was convinced by the argument of others and his own reflection, that the convention ought to fix some standard or other.

Mr. Morris said:

If we can't agree on a rule that will be just—

And I commend this to the consideration of the Commerce Committee. Mr. Morris said:

If we can't agree on a rule that will be just at this time, how can we expect to find one that will be just in all times to come? Surely those who come after us will judge better of things present than we can of things future—

That was what was stated in the Constitutional Convention—

Surely those who come after us will judge better of things present than we can of things future.

That is not the rule to-day. We have abandoned that idea. We have found from experience, I presume, that this is the only virtuous body that ever was created. Not only are we satisfied of that but we are satisfied, if this bill passes, that it is the only virtuous body that ever will be created. We are satisfied that unless we now tie the hands of succeeding Congresses they can not be trusted and they are unworthy of the name of honorable and upright men.

I take the position with reference to that, first, that future Congresses will be just as honorable as this; secondly, that they should have a right to determine how many Congressmen should come from each State according to the census; that they should have a right to determine whether or not that census is honest and true; that they should have the privilege of determining for themselves how many men shall constitute the entire body of Congress; but if this bill passes they will not have that right, and I challenge any man who upholds this bill to prove that they will.

Let us assume, just for a moment, that the Congress at the next session wanted to change the membership from 435 to 300, and that this bill has become the law. The President sends in to that body the names of a certain number of men to represent the various States. Congress passes a bill by a little less than a two-thirds vote, and reduces the number of its own body to 300. The President vetoes that bill. It requires a two-thirds vote to overcome his veto. There, in addition to the constitutional authority which was intended to be given to the Executive in the early days of this Government, you have a two-thirds vote required, when if this law had not been enacted the membership of the House would have remained at 435 whether the President vetoed the bill or whether he did not.

So there you have it; and there is one of the things that are behind this measure, and that are responsible for the decree going forth that it must pass. "Now, while the party is large; now, while its majority is great, let it be written in such a way that in the troublesome times when conflicts arise among ourselves we will have the throttle hold on the representation from the various States of this Union, and thereby upon the presidential electors who vote for the incoming Executive of the Nation." And yet there are Senators, hoodwinked by the loud cry and clamor that has gone forth that this is a reapportionment bill and that it is wrong not to pass it, who have promised to vote for it irrespective of the fact that it adds another stone to the growing mountain of presidential and executive power.

What difference does it make? Why, the President has charge of the Army. What difference does it make? A committee at the other end of the Capitol has proposed to give him complete charge of the purse strings of the Nation. Why

should he not have added to his already overweening greatness the additional power of determining how many Representatives shall come from Democratic States and how many Representatives shall come from Republican States? That is the power he has if this bill becomes a law. He has the power. I do not say he would do it; but I say that the time to protect the rights of nations, the time to conserve the individual rights of human liberty, freedom of expression, and the untrammeled right to vote and to have representation is in the days when danger is afar off.

Even the great apostle of Whiggery, the man whose writings and whose statements later represented to a great extent the political philosophy of the Republican Party, Henry Clay, spoke in this very body time after time against the consolidation of power in the hands of the Executive. Little did he imagine at that time perhaps that there would be a day when not only would a subservient Congress, greedy and hungry for patronage and offices, be ready to bow down before the Executive of the Nation and give to him both the power of the purse and of the sword, but would add to that the sacred privilege of determining the number of Representatives, and perhaps the party to which they belonged; that privilege, too, was to be added to those which the Executive already had.

There was a time when there was a well-known and easily perceptible line of demarcation between the legislative, executive, and judicial branches of the American Government. That line is rapidly growing less and less distinct. We have bureaus that have the power of promulgating rules and regulations for a violation of which a man can be sent to jail, and can be subjected to punishment as though he had violated a regularly written statute of this Government. We have bureaus which have the powers and privileges of lawmaking bodies. I venture the assertion that there are more rules and regulations to-day in effect in this country which have the effect of law than there are laws written by the Congress on the statute books of the Nation.

Why is that? It is because Congress from time to time has let fall from its enfeebled grasp the power which the fathers of this Government intended should be lodged in the legislative power and authorities.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. I am very much interested in the observations being made by the Senator, and agree with the indictment which he has drawn against the general usurpations of the Executive of the Government. I agree with his charges against the growth of bureaucracy and the evils of bureaucracy, and the monumental number of rules and regulations, punitive in character, which have been promulgated by the various departments of the Government. All of that is extremely interesting and is the statement of a fact which I think no one can gainsay. But I have risen, with the permission of the Senator, to make an inquiry which I hope will not prove disconcerting or take the Senator away from the thread of his argument.

Suppose the Senator were charged now with the responsibility of preparing a bill dealing with the question of reapportionment and dealing with the question of the census. In what material respects would the measure which he would prepare differ from the measure now before us?

I may say to the Senator that I have felt that Congress has been derelict in the discharge of a duty resting upon it to provide for reapportionment. I happened to be a Member of the House years ago, when I was much younger than I am now, when provision was made for reapportionment. I opposed then the increase in the number of Representatives in the House, and I have looked with a good deal of apprehension upon the demands made in some sections of the country for provision for an additional number of Representatives. I believed that the House, if anything, was too cumbersome, and that there would be no disadvantage to the people of the country if there should be a reduction in the aggregate number of the Members of the House of Representatives. But I have felt that there should be a reapportionment more frequently than that which has occurred and that Congress has failed in the discharge of its duty. I think something should be done.

If this bill is defective—and the Senator is very ably presenting some of the serious defects of the measure—I should be glad to have the Senator indicate to us what amendments should be made to the bill, if it may be perfected, and the character of legislation which at this particular juncture should receive the attention of Congress.

Mr. BLACK. Mr. President, I shall be glad to answer the Senator very briefly, and then continue with my remarks.

In the first place, I oppose any measure, of any kind, with reference to reapportionment, which attempts to legislate for the Congress succeeding the taking of the census. The proper thing and the fair thing to do—and what would be done were it not for the great party pressure—would be to wait until the next census is taken, and then write a real reapportionment bill. It would be a reapportionment bill then; this bill is not. This is a bill combined with a census bill for the express purpose of declaring that the present Congress is afraid the incoming Congress will not reapportion, and to hold over the head of the incoming Congress the sword of Damocles, ready to fall if that Congress—with the concurrence of the President, mind you—does not enact a bill which suits the President.

The time to draw a reapportionment bill is when we wish to reapportion. For some reason—I will not say for lack of courage—Congress did not, taking the last census, attempt to tell Utah, for instance, how many Representatives it should have, or tell Alabama how many it should have.

I stated at the last session of the Congress that I would vote then or thereafter for a reapportionment, according to the last census that was taken. I stated then, and I repeat now, that I shall vote for and try to help in the passage of a reapportionment bill immediately after the census is taken. But that is not what is desired. The proponents of this measure do not want a reapportionment now. If they had wanted it, they would have suggested a bill. You can not cure something that is fundamentally faulty and unconstitutional, as is this measure.

My answer to this bill so far is that it is not a reapportionment bill and never was intended as a reapportionment bill. It is a kind of salve to spread gently over the supposed wounds of some people who say, "Why has not your party gotten through a bill?" when it is known that the very wounds the salve is put on will not be aided or assisted by the medicine.

My judgment about a reapportionment bill is that we should wait until the census is taken, and its proponents should come here fairly and squarely and honorably with a plan for reapportionment based on the latest census. I have no defense to make for the failure of Congress to write a reapportionment bill. I agree with the Senator that it should be written, and that it should be written every 10 years, but I do say that it is not right to try to engraft on the Constitution an amendment by legislative action.

There are numerous defects in this bill in addition to the fact that it is fundamentally unsound. In the first place, it proposes a method of determining representation which is unscientific, which is unsound, which is unfair, and which is unjust to many of the States of this Nation. It proposes a system which at one time took away from four States the representation which it was first announced they would have under that system. The statisticians and mathematicians were so uncertain that they could not themselves tell what States should have the representation. That was pointed out at the last session of Congress. Yet they come back into this body with a bill supposed to compute representation on the same method, knowing that it is unfair to the smaller States, and gives an undue percentage of representation to the large States of the Union.

The two bills should be separated. There is no reason for combining the apportionment bill with the census bill except the fact that its proponents know the inherent weakness of the reapportionment bill. They know that it is too weak and too full of foul and loathsome disease to stand or walk by itself. So they couple it up with the census bill, and then they fill the census bill with foul and loathsome provisions by providing that the enumerators and other officials shall not be appointed under the civil service, and provided, as perhaps an incentive for some votes for the twin bill, the hope of numerous appointments in numerous States if the bill is enacted into law. The dangling bait before the eyes of the Members of the body is, "You must pass both or you shall pass none. Pass the so-called reapportionment bill or we give you no jobs in your districts."

Well, it is said, perhaps—and this is just imagination, of course—"How do I know that my constituents will get any jobs? Will not the employees be appointed under the civil service?" "Oh, no; they will not be appointed by civil service. They will be appointed in the good old-fashioned way, under the theory that 'to the victor belongs the spoils.' They will be appointed by the old-fashioned method of giving to those who are most deserving, not according to their service to their country, but according to their service to their party."

So we find the twins—weak, full of sores, sick, and diseased—striding down the legislative corridors, and the great edict has gone forth that those who fail to support the twins are pseudo-Republicans.

This bill is not a reapportionment bill. I repeat, it was not written as a reapportionment bill. It was never intended as a reapportionment bill. It is a misnomer to call it a reapportionment bill. It is a bill intended to fool the body politic and to put more power into the already overflowing hands of the Chief Executive of this Nation.

Yet we see that some of the press that is independent, some of the press that stands against the usurpation of the rights of one department by another, take the position that the very moment a man raises his voice against this pernicious constitutional abnormality he is opposed to obeying the Constitution.

I stated at the last session, as I state now, let those in charge of apportionment legislation wait until the census is taken. I agree to join the Senator in a vote for a reapportionment bill. I shall never vote against a fair apportionment after any census is taken. But the objection I am raising at this time to this bill is this, that the Constitution provides that each succeeding Congress shall determine when and how a reapportionment shall be made. These gentlemen now propose that this Congress, and not future Congresses, shall determine when, how, and in what manner reapportionment shall be made. I assert that the man who loves the Constitution of his country, the man who believes in a division between legislative, judicial, and executive, can not vote for the bill without sacrificing the principles of patriotism which have caused him to love the sacred traditions and institutions of his country. That is the situation we have before us in the so-called reapportionment bill.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. I did not hear the explanation, if any has been made, why there was incorporated in the bill a provision that we must care for the censuses and apportionments of the future. While I am very much in sympathy with apportionment and shall be very glad to vote for it, it does seem to me that there is no valid excuse for legislating for the future. I did not understand until the Senator spoke, because I had not examined the bill carefully, that it attempted to provide for all time.

It does seem to me that we could with propriety, after providing for the necessary census and apportionment to follow that census, leave to the Congress which will convene 10 years or 8 years from now the responsibility and the duty of making provision for a census then, and for reapportionment. I would be glad to have the Senator elaborate, if he cares to do so, the reasons urged for including in this bill the provision which looks so much to the future.

Further, I do not quite understand the position of the Senator that it is unconstitutional. I am inclined to think Congress would have the power now to provide for future censuses and future reapportionments, but obviously future Congresses could ignore any provision we enacted now to govern future reapportionments and future censuses, and repeal those acts directly or by implication.

Mr. BLACK. I shall be glad to answer that question right now. After the next census the first meeting of Congress will be for the short session. The Senator is well aware of the fact that frequently it is difficult to get a bill through a short session. A filibuster might be attempted. For instance, let us assume for the purpose of illustration that under the representation provided for by the President the State of Michigan would have six Representatives and other States would have a certain number. Then let us assume that the House passed a bill which cut down those six Representatives and cut down the number of Representatives from other States. A filibuster by a very small number could prevent the enacting of a law at that session of Congress. If the bill were not passed at that session of Congress, those six Representatives would automatically still belong to the State of Michigan.

Let us assume another thing. Let us assume for the purpose of a long hypothesis that there is a Democratic President in the White House, and let us assume that Alabama had 12 Representatives, whom everybody would know would be Democrats under the President's commitment, and that Congress proposed to reduce the number to 9. Let us suppose the parties were pretty equally divided at that time in Congress. Remembering that the number of those Representatives determines the number of electoral votes, let us send that bill up to a Democratic President for his signature or his veto. Does the Senator have much doubt that a sane, ordinary, human being, while perfectly honest, would conscientiously believe that it was right for Alabama to have the Representatives that he had originally said Alabama should have and that he would veto the bill?

What then would be the remedy? It would require a two-thirds vote to overcome his veto, when the Constitution contemplated that representation should be fixed by a mere majority of both branches of Congress. That is what it would mean. It could mean the absolute turning of an election. It could mean the deprivation of my State or the Senator's State of Representatives from purely political motives.

The Senator said he did not understand why I said the measure might be unconstitutional. I do not claim that it would be unconstitutional. I said there was a possibility of it, and for this reason: When the debates were being carried on in the Constitutional Convention there were two schools of thought. One was that there should be a discretion left in Congress as to why, how, or in what manner representation should be apportioned. The other school of thought was that there must be certain lines between which they must move; that there was to be no discretion left to the Congress. The first school of thought won, and there was at once a declination on the part of writers of that document to prescribe the rules and regulations under which succeeding Congresses should act.

The bill before us proposes a law to prescribe the rules and regulations determining when and how and in what manner the States shall apportion their Representatives. It is clearly contrary to the intent of the Constitution. It may not be contrary to the express letter of its language, but it is as contrary to the clear intent and spirit of that document as it would be if it attempted to deprive the Senator of the right of free speech and free thought. That is why I said it might be held to be unconstitutional. It certainly would be so held if they would write into that document its spirit, the spirit of those who framed it into words.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLACK. Certainly.

Mr. KING. If I understand the Senator, then the objection, if there be a valid one, to the measure upon the ground of its constitutionality would be obviated if it sought merely to provide for reapportionment to exist until the next decennial census is taken.

Mr. BLACK. Absolutely. Every Congress has the right to reapportion at the time it does the reapportioning, but the position I take is that it is a brazen effrontery for the Congress of 1929 to try to tell the Congress of 1979 how many Members it shall have, where they shall come from, who shall select them, and whether or not they shall have the stamp of divine and presidential approval. That is the position I take.

Mr. KING. The bill could be relieved of that infirmity by restricting its operations to the forthcoming census and to the apportionment which is to follow—that apportionment or reapportionment, whichever term may be used, to be limited until the next decennial census is taken.

Mr. BLACK. It is my judgment that it could not be relieved of that infirmity so long as the bill contained a provision for an automatic apportionment when the duty of making a discretionary apportionment rests with each succeeding Congress. Why should this Congress legislate for the Congress of two years hence in the matter of apportionment?

The House is the judge of its own Members. It is the judge of the number of its Members. To a large extent the Senate would accede to its view. Being the judge of its own Members, ordinarily legislation has been initiated in that body. Now, however, this sacred, virtuous, and superpatriotic body not only wrests from the House the right to determine how many they shall have, where they shall come from, and it looks far down the vista of time, assuming that 100 years from now the United States will still be operated as a nation, and tell the Congress of 100 years from now, "Thus far shalt thou go and no farther. The people who originated this Government did not intend for you to be circumscribed by any limitation of any kind, but we, the superpatriots and superwise men, will determine for you what you shall do and when and how."

Senators say that he who does not vote for the bill is damned and only he who votes for it is a patriot to the core. The position I take is that it is the duty of a Senator to vote for reapportionment, but it is not his duty to turn over to the President of the United States more and more and more power, whittling it away from the Congress and the judiciary until finally the reins of government are held firmly in the hands of one individual in the Nation.

That is the trend of legislation. That is the trend of the reactionary spirit which has swept over the country and holds it in a viselike grip from which it seems there is no escape. Power and power and more power is to be given into the hands of one man. The followers of Hamilton, the followers of that man who believed in a rule not by the people but in a rule by the privileged classes are in the saddle, booted and spurred, riding roughshod over the privileges of the people as they whittle

and whittle away from their representatives and place in the hands of one man.

We have a bureau that declares a rule, for instance, that he who permits a fly to be on his premises shall be put to death, and their rule becomes a law. Bureau upon top of bureau, bureau on top of bureau, until they pile up towering into the sky, each one emitting rules and rules and rules like the volcano belches forth its smoke until the average citizen is lost in the meshes of the multitudinous laws, rules, and regulations more than he ever dreamed he could be; and yet he who does not vote to transfer still greater power into the hands of the Executive and he who fails to bend his knee in subservient pliancy before the divine edict is classed, forsooth, as an opponent of apportionment on a fair and just and equitable basis.

Why should we not wait until the census is taken in an orderly manner and trust that the succeeding Congress will be as honorable and as upright and as virtuous as this one? Both of my good friends on the other side of the aisle have just been reelected, the Senator from California [Mr. JOHNSON], in charge of the bill, and his able colleague the Senator from Michigan [Mr. VANDENBERG]. They will be here after the census shall have been taken, and they will push the measure as vigorously then as they are doing now. A large number of the Members of this body have been elected to serve until after that time. We know, as a matter of common knowledge and common history, that Members of Congress to a great extent succeed themselves from term to term. There will be no vast volcanic eruption which will wipe off the congressional map a majority of those who are there to-day. They will be there after the census shall have been taken. There is no reason to think their hearts will be changed; there is no reason to anticipate that those who would vote for reapportionment to-day are going to change their minds and will have so black a heart and so little conscience two or three years from now that they will turn about and violate their oath of office.

Why all this haste? Is it true that this measure is so all-important that we shall tie the hands of succeeding Congresses; that we must stop the wheels from revolving; that we must let other matters of supreme importance die untouched in the legislative shamble simply in order that we may yield more power into the hands of a President, who already has more power than any one man on earth ought to have in a democratic government? That is the situation. Yet there are Senators who have pledged themselves to vote for the bill who are vigorously opposed to the concentration of power in the hands of an executive.

I am wondering what impelling motive there is behind this bill that makes it so extremely important that everything else must be pushed aside? If it were to change the representation to-day, I could understand it; I would vote for it; and if those in charge of the measure will amend it so as to provide for an immediate reapportionment, based on the last census, I pledge them my vote here and now. That, however, is not proposed.

The terms of the bill do not change the representation in any manner until after the Congress shall have come in succeeding the next census. Then why all this haste? For 10 years the great plant at Muscle Shoals has laid idle, while farmers, their backs bent in toil, have been burdened by the Fertilizer and Power Trust and prevented from obtaining the benefit of cheap fertilizer. Has anybody said anything about a measure for the development of Muscle Shoals being acted on at this session? This is supposed to be a farm-relief session, and the farmers of the South are crying for cheap fertilizer, which would come if the Congress would do its duty. But what happens? Muscle Shoals is thrust aside and a so-called reapportionment bill is presented to the Senate, which does not reapportion, does not take away a single Representative from Alabama nor give a single Representative to California or Michigan or to any other State in this Union—not one.

What is the all-powerful influence behind the bill? I will tell the Senate what it is. There are two things. There is a whittling away of the power of the chosen representatives of the people in the House of Representatives and the Senate. One by one their rights are being taken away; little by little, inch by inch, gradually, as the stones of the earth are worn away by the beating water, the legislative functions have been sacrificed as additional powers have fallen into the basket of the Executive. The bill proposes to give to the Executive a power in case of close elections, which would not have been dreamed of by Catiline in the days when he conspired against the home of his birth. Yet the man who dares to raise his voice, to utter a protest, against a measure of that kind is classed in certain quarters as one who is opposed to reapportionment.

I say to the Senate now, as I have said time and time again, that if those in charge of the measure will amend it so as to provide for a reapportionment on the basis of the last census, I shall immediately vote for it. If they will wait until after the next census shall have been taken and will then bring in a reapportionment bill, I will vote for such a measure without a moment's delay. The objection, however, which I have, as many of those have who believe as I do on this question, is that reapportionment is a prerogative of the Senate and of the House of Representatives, and that he who takes away the power of the chosen representatives of the people and passes it into the hands of the Executive is not a friend to free institutions, is not a friend to the ideals of the founders of this glorious Democracy and Republic.

The bill provides that the President shall use the method of major fractions. It is a method which has been condemned by scientists; it is a method which it is admitted favors the big States and works to the detriment of the small ones; it is a method which it is admitted goes to the advantage of those States which have the overwhelming preponderance of foreign born and works to the distinct disadvantage of the older States of the Nation which have been built up on the brawn and muscle of the sons and daughters of the Republic. That is the method which is proposed by this measure and to which its framers tenaciously cling with the grip of destiny. Why is that? What is the reason they are clinging to that method which is admitted by scientists to be unfair and unjust, which is condemned by the bureau erected by this Government to determine what kind of method should be used in apportioning the Representatives of the States? Why is it necessary to fall back on that method? Why should we not adopt a fair system?

I wish to read what happened to my State under the major-fractions method; and I remind Senators that it can happen to their States. They did not at that time call it the major-fractions method, but that was the method which was used. I quote:

> This question has come up for a very good reason, a much better reason than that. It has come up because the standard method which was adopted in 1850 and which was followed by Congress in making the apportionment from that time down to 1900, inclusive, developed a defect, which created quite a surprise when it first came to light, the defect known as the Alabama paradox. That defect first appeared in 1880.
>
> When the people in the Census Bureau made up the apportionment tables for 1880, they found that, when they apportioned 299 Representatives among the States, Alabama would receive, under the rule of 1850, 8 Representatives. When they increased the number to 300 Representatives, again applying the rule of 1850, they found that Alabama would receive 7 Representatives. That was something of a paradox and an anomaly, and no one knew exactly what to do about it.

So, under that method, it appears that Alabama, in case there were 299 Representatives in Congress, would have received 8 of them, but if to the number was added 1, making a total of 300, Alabama had its representation reduced to 7. By this bill, which was not tested in the committee, on which no evidence was heard, which has been condemned by the leading scientists and mathematicians of this country, by the Academy of Political Science itself, that is the method which the President of the United States is instructed to use in determining how many Representatives the free-born American citizens of Alabama shall have to represent them in Congress. There is nothing certain about it. No one can know the result until the figures come in. Texas, for instance, thought that she would have an additional Representative under the major-fractions system, but the statisticians got together and when they finished Texas' additional Representative faded away; just folded up his tent, like the Arabs, and silently stole away.

Ohio thought that she would get another Representative, but unfortunately she did not understand the uncertainties of the system of major fractions; a system which I admit would benefit the State of Michigan and California, but which the scientists say would injure the States of Alabama and Utah. Yet that is the system that is proposed for adoption in this body under which we will give to the President of the United States additional and untried authority. It is condemned by everybody but the Commerce Committee and Doctor Willcox.

Why was it necessary that a bill should be brought in here embodying the major-fractions system without giving anyone a chance to raise his voice who was opposed to it, when it was known that the overwhelming majority of the mathematicians over this country, and the very body organized under the act of Congress to study such questions, had declared against the system of major fractions? One can only surmise. Of course there are always reasons for legislation; there are reasons for the separate provisions of legislation; but there must be some reason why somebody preferred the system of major fractions

to the fair and equitable system of equal proportions or minimum range.

I admit that the system of minimum range would give, perhaps, an unfair advantage to the small States; but all admit that the system of equal proportions stands midway between the system of minimum range and major fractions. Yet it seems as though the overwhelming majority will run us down under the wheels, crush us by the system of major fractions, yielding not one jot or tittle, but exercising the power they have ruthlessly and without mercy because the almighty decree has gone forth and it must be obeyed.

That is the system under which the State of Alabama and every other State of this Union of a reasonable size will be at a disadvantage, while the larger and more populous States will have an unfair and unjust advantage.

I am perfectly willing to concede that under any ordinary state of affairs it makes not so much difference whether a State may have 7 or 8 or 10 Representatives; but in the year that Woodrow Wilson was elected President of the United States the number of Representatives from the various States would have made a tremendous difference. So, too, in other years when the presidential race has been close it would have made a tremendous difference, and, as my friend from Michigan very correctly stated at the last session of Congress, a failure to apportion equitably and justly may mean the election of a man for President who is not the choice of the voters of the United States. I admit that; but I turn his argument to this situation, and I say that if we give to the President of the United States the power to determine the number of Representatives there shall be, we give to him the untrammeled, the unquestioned authority, unless we can secure a two-thirds vote, which is not possible when he is the President, to change the course of national politics and to put a President in the White House who is not the choice of the people of this Nation.

I understand, Mr. President, that perhaps it is useless to speak on this subject; perhaps the wheels have been greased; I do not know; but I do know that I shall put upon the record of this body my earnest protest, my vigorous dissent to taking away one more particle of the power which is given to the chosen Representatives of the people in Congress assembled and turning it over to the man who was elected not as the legislature but as the Chief Magistrate to execute the laws of this Nation.

I admit that it may be true and may be well said that Congress itself is subject to various criticisms; that it has abused its power. Many people say that; but in the final analysis the House of Representatives and the Senate of the United States are the duly elected representatives of the people to express their views in the legislative assembly. The President was not elected for that purpose. It never was contemplated that he should wrest from the hands of Congress the power of selecting Representatives from my State or from your State. That was not contemplated; but this bill takes from the States which you represent the power of having their voices successfully heard when you go to prescribe the number of Representatives of the various States and places it in the hands of the Chief Executive of this Nation, riding in his powerful chariot, filled with usurped privileges of the legislative and judicial functions of this Government. Let him ride roughshod, holding the reins strongly in his grip, as his bureaus issue their edicts, as his bureaus proclaim their laws, as his Army obeys his will, as his taxgatherers take in the money which he has determined shall be collected by a control of the tariff schedules of this Nation; and as he rides on let it be remembered, whatever the decree is, that this body gave up its privileges knowingly, seemingly, willingly, and subserviently.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the call for a quorum, with the Senator's permission, may be withheld for a moment, pending a unanimous-consent request.

The VICE PRESIDENT. Is there objection? The Chair hears none.

PROMOTIONS IN THE ARMY

Mr. REED. I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate take up Order of Business No. 13, Senate bill 4, the Army promotion bill. I think it will lead to no debate whatever.

The VICE PRESIDENT. The Secretary will state the title of the bill for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 4) to regulate promotion in the Army, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED. I do.

Mr. BLAINE. Reserving the right to object, I desire to suggest to the Senator that there are only a handful of Members present; and here is a proposition that has been debated considerably, and about which there has been a great deal of dispute. I wonder if there ought not to be a larger attendance of Senators before the bill is taken up?

Mr. REED. Of course, I should have no objection to that; but I will say to the Senator that the bill is in exactly the form in which it passed the Senate unanimously last year. It was reported unanimously by the Military Affairs Committee at a meeting at which I think every member except the Senator from Wisconsin was present. He, I understood, was detained by other committee meetings. The bill was reported unanimously last year by the Military Affairs Committee, and passed, after a very full explanation, without a dissenting vote. If that had not been the case, I would not have suggested taking it up now.

Mr. BLAINE. I am not opposing the bill. It is a mere question of parliamentary procedure, whether or not we should pass such an important bill under unanimous consent in the absence of so many Senators.

Mr. REED. Let us settle the matter in this way: I will say to the Senator that if any Member of the Senate indicates a desire to oppose or to have a further consideration of the bill I shall be glad to agree to a request for reconsideration. May we leave it in that way? That will have the same effect as if every Member of the Senate were here on the floor at this moment.

Mr. BLAINE. Is there any objection to a quorum call?

Mr. REED. No; not in the least, except that I thought we could dispense with the necessity of it; and possibly there is not a quorum available. That is my only reason for putting the request in this way. I will agree that we can take it up by reconsideration at any time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4) to regulate promotion in the Army, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the aggregate number of commissioned officers of the Regular Army and Philippine Scouts on the active list shall not exceed the number now or hereafter expressly authorized by law, and all such officers, except officers of the Medical Department, chaplains, and professors, shall be designated as promotion-list officers. The number of promotion-list officers in each of the grades below brigadier general shall be such as results from the operation of the promotion system prescribed in this act, and shall not be otherwise limited: *Provided*, That, except as otherwise in this act prescribed, the aggregate number of promotion-list colonels and lieutenant colonels shall not exceed 15 per cent, and the number of promotion-list field officers shall not be less than 26 per cent, of the maximum aggregate number of promotion-list officers authorized by law.

SEC. 2. That all promotions under this act shall be subject to such examination as shall have been required by authority of law. Promotion-list officers in the grades of second lieutenant, first lieutenant, captain, major, and lieutenant colonel shall, except as otherwise prescribed in this act, be promoted to the respective next higher grade when their names appear first in their grade upon the promotion list, and when under provisions of this act they are credited with 3, 10, 15, 20, and 26 years of service, respectively. The promotion of majors credited with 20 years of service shall be deferred so long as necessary to prevent the limitation of 15 per cent hereinbefore prescribed for the combined grades of colonel and lieutenant colonel being exceeded, and no officer shall be promoted to the grade of colonel until he shall have served at least two years in the grade of lieutenant colonel: *Provided*, That promotion-list officers not promoted from the grade of major under the foregoing provisions shall be promoted to the grade of lieutenant colonel when, under provisions of this act, they are credited for promotion purposes with not less than 20 years of service and are also not less than 52 years of age, and officers so promoted under this proviso shall be promoted to the grade of colonel when credited with 26 years of service, or as soon thereafter as they shall have served not less than 2 years in the grade of lieutenant colonel and shall be additional numbers in the grades of lieutenant colonel and colonel and shall not be counted in computing the maximum percentage hereinbefore prescribed for such grades: *Provided further*, That in the application of the foregoing proviso each United States Military Academy class shall be treated as a unit as of the average age of the members of the class. In so far as necessary to maintain the prescribed minimum of field officers, captains credited with less than 15 years of service shall be promoted in the order of their standing upon the promotion list.

SEC. 3. That flying officers commissioned in the Air Corps in the grades of first lieutenant and captain shall be promoted to the respective next higher grades when credited for promotion under provisions of this act with 7 and 12 years of service, respectively. When promotion as hereinbefore prescribed in this and preceding sections of this act fails to provide the Air Corps with the per cent of colonels, lieutenant colonels, and majors hereinafter specified, flying officers commissioned in the Air Corps shall be promoted in the order of their relative standing on the promotion list so that the number of Air Corps officers in the grade of colonel shall be 3 per cent, in the grade of lieutenant colonel 4 per cent, and in the grade of major 18 per cent, respectively, of the total number of officers commissioned in the Air Corps, fractions being disregarded in computing said numbers. Flying officers of the Air Corps promoted to the grades of lieutenant colonel and colonel under provisions of this section shall be additional numbers therein and shall not be counted in computing the maximum percentage for such grades hereinbefore prescribed in this act; and flying officers of the Air Corps promoted to the grade of major under the provisions of this section shall not be counted in computing the minimum of 26 per cent of promotion-list field officers required to be maintained by section 1 of this act. Any flying officer of the Air Corps promoted under provisions of this section who may become surplus in the grade of major, lieutenant colonel, or colonel by reason of a subsequent decrease in the total number of officers commissioned in the Air Corps shall be an additional number in his grade in the Air Corps until absorbed. The term "flying officer" as used in this act shall be construed to mean a flying officer as defined by section 13a of the national defense act as amended.

SEC. 4. Length of service for promotion under this act shall be computed as follows:

First. Each promotion-list officer originally commissioned in the Regular Army as of a date prior to July 2, 1920, without prior Federal commissioned service, whose active commissioned service shall have been continuous since acceptance of original commission, shall be credited with the full period from the date of such original commission.

Second. Each promotion-list officer commissioned in the Regular Army or Philippine Scouts as of a date prior to July 2, 1920, who is not included in the category defined in the preceding subparagraph shall be credited with a length of service equal to that accredited to the officer of said category whose name appears nearest above his on the promotion list.

Third. Each promotion-list officer originally commissioned in the grade of second lieutenant in the Regular Army or Philippine Scouts as of a date after July 1, 1920, shall be credited only with the period of service from the date of such original commission: *Provided,* That each promotion-list officer not included in any of the foregoing categories and each officer of said categories whose original relative position on the promotion list shall have been changed or affected by sentence of court-martial, by special enactment, by discontinuity of his active service, or by suspension from promotion, shall be credited with such length of service for promotion as the Secretary of War shall determine to be appropriate to his relative position on the promotion list.

SEC. 5. That all prior statutory provisions governing the termination of active service of officers shall, except as otherwise specifically prescribed in this act, continue in full force and effect and be administered as now provided by law: *Provided,* That, excepting section 190, Revised Statutes of the United States, all laws or parts of laws restricting the freedom of persons on the retired lists of the Regular Army, who are otherwise eligible to accept any civil office or employment, or affecting their retired status or retired pay on account of holding any civil office or employment and receiving the compensation thereof, are hereby repealed in so far as they apply to said persons; and any such person who may be employed in any civil office or position under authority of the United States shall be entitled to receive the full compensation allotted to such office or position without regard to such person's retired pay: *Provided further,* That when any officer of the Regular Army or Philippine Scouts shall have served 35 years or more, including all service counted toward eligibility for voluntary retirement under existing laws, including this act, he shall, if he makes application therefor to the President, be retired from active service and placed upon the unlimited retired list: *Provided further,* That when any officer of the Regular Army or Philippine Scouts shall have served 40 years as a commissioned officer in active service in the Army of the United States, or is 60 years old, he may, without action of a retiring board, be retired from active service at the discretion of the President, and placed upon the unlimited retired list: *Provided further,* That in computing eligibility for voluntary retirement of officers of the Army each officer shall, in addition to all service now credited under existing laws, be credited with additional constructive credit equal to one-half the time, if any, that he shall have been actually detailed to duty involving flying, except in time of war: *Providing further,* That flying officers of the Air Corps who become physically disqualified for all flying duty shall be eligible for retirement for physical disability.

SEC. 6. That during each fiscal year promotion-list officers who were originally appointed in the Regular Army or Philippine Scouts prior to July 1, 1920, or as of that date, may file applications to be transferred from the active list in the manner hereinafter provided, and the President is hereby authorized, on or before June 30 of each fiscal year, to designate for transfer from the active list from among such applicants who shall have been recommended for such transfer by a board of general officers such number as shall not exceed 1 per cent of the maximum authorized number of promotion-list officers of all grades.

Officers designated for transfer from the active list under provisions of this section shall be ordered to their homes as soon as practicable after such designation and, upon expiration of such leave of absence with full pay as may be granted under existing law, shall be transferred to the unlimited retired list with retired pay at the rate of 2½ per cent of active pay multiplied by the number of complete years of service, but not exceeding 30 years, with which credited for pay purposes, excepting non-Federal service: *Provided,* That each computation of service and pay of an officer designated for transfer from the active list under this section shall be as of the date of such designation: *Provided further,* That any officer originally appointed in the Regular Army as of July 1, 1920, at an age greater than 45 years, may if he so elects, in lieu of retired pay at the rate hereinbefore provided, receive retired pay at the rate of 4 per cent of active pay for each complete year of commissioned service in the United States Army, not exceeding 75 per cent of active pay.

Officers designated in any fiscal year for transfer from the active list shall, for purposes of computations under provisions of this act, be deemed to have been transferred from the active list during the fiscal year in which designated, notwithstanding the deferment of separation as herein authorized.

SEC. 7. That on and after the date of the passage of this act Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army and shall receive pay and allowances determined as provided by law for other officers on the retired list, and based upon the active pay and allowances provided for lieutenant generals during the World War. Said Hunter Liggett shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from March 21, 1921, to the date of the passage of this act. Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act.

SEC. 8. That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list at the highest rank held by him during the World War, but, except as otherwise specified in section 7 of this act, not above the rank of major general: *Provided,* That no increase of retired pay and allowances shall result from the provisions of this section.

SEC. 9. That except as specifically provided in this act, nothing therein shall be held or construed to discharge any officer from the Regular Army or to deprive him of the commission which he holds therein, or to reduce the rank or pay, active or retired, of any officer therein. All laws and parts of laws, in so far as the same are inconsistent herewith or are in conflict with any of the provisions hereof, are hereby repealed.

Mr. HEFLIN. Mr. President, I desire to ask the Senator from Pennsylvania a question. The Senator from Tennessee [Mr. TYSON] has been called from the floor for a moment. Is he agreeable to this bill?

Mr. REED. He was present at the meeting and is entirely satisfied with the bill, as is the Senator from Alabama [Mr. BLACK].

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. BINGHAM. Mr. President, I was unavoidably absent from the Chamber when this matter was brought up. I should like to ask the chairman of the committee whether this bill takes care of the Air Corps in the way in which we attempted to have it taken care of at the last session?

Mr. REED. The bill is in exactly the same form in which it was passed by the Senate last year, with the correction of two or three printers' errors.

Mr. BINGHAM. I thank the Senator.

The VICE PRESIDENT. The question is on the passage of the bill.

The bill was passed.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. VANDENBERG. Mr. President, there are four typographical errors in the committee print on page 17. Merely for the purpose of perfecting the bill typographically, I ask unanimous consent to submit these amendments.

On line 2, page 17, the numeral "1" should be omitted.

The amendment was agreed to.

Mr. VANDENBERG. On page 17, line 1, the adjective "this" should be inserted after the word "by."

The amendment was agreed to.

Mr. VANDENBERG. In line 15, page 17, the word "Representative" should be plural, "Representatives."

The amendment was agreed to.

Mr. VANDENBERG. On line 19, page 17, the word "at" should be "within."

The amendment was agreed to.

Mr. FLETCHER. Mr. President, we have just taken up one bill on the calendar by unanimous consent. I am a little curious to know if there is any plan for taking up bills on the calendar in their regular order at any time? There are several bills on the calendar.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Indiana?

Mr. FLETCHER. I yield.

Mr. WATSON. My understanding is that while the apportionment bill is pending we shall not start out to engage in other legislation. Some Senators desire to consider the apportionment bill to-night, and therefore I thought it would be in order at this time for the Senator in charge of the bill to move an adjournment, which I hope he may do.

Mr. JOHNSON. I will say to the Senator from Florida that I was going to make a motion to adjourn, but I will not do so if the Senator from Florida has something that he desires to present.

Mr. FLETCHER. No; I should like to get to the calendar at some time; that is all.

Mr. WATSON. As soon as this bill is out of the way I think we will go right to the calendar.

INTERNATIONAL PAPER & POWER CO. (S. DOC. NO. 11)

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, in response to Senate Resolution 53, agreed to May 6, 1929, transmitting a copy of the last statements filed under the provisions of the act of August 24, 1912, relative to the publishers and owners of certain newspapers, and advising that amended statements will be furnished the Senate at a later date, when procured, which, with the accompanying papers, was ordered to lie on the table and to be printed.

CLAIM OF KREMER & HOG

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of Kremer & Hog, of Minneapolis, Minn., against the United States, which, with the accompanying report, was referred to the Committee on Claims.

ADJOURNMENT

Mr. JOHNSON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 16, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 15, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou flawless One, who lived and taught and died, divinely conscious of a wonderful mission, we look to Thee and find our deepest longings satisfied. Teach us that Thou art still in the world; still accessible to all who come unto Thee with a humble and a contrite heart. Make us seriously concerned with the forces which are beyond the sky line of everyday life. Revive Thy work in the midst of the years—in the midst of the years make it known. Then as Thy glory covereth the heavens, so shall the earth be full of Thy praise and be silent to listen. In the holy name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, the bill H. R. 1, entitled "An act to establish a Federal farm board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce and to place agriculture on a basis of economic equality with other industries," insists upon its amendment to said bill, requests a conference with the House thereon, and appoints Mr. MCNARY, Mr. NORRIS, Mr. CAPPER, Mr. SMITH, and Mr. RANSDELL to be the conferees on the part of the Senate.

CONTROL OF COTTON FUTURES EXCHANGES

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution passed by the House of Representatives of the Legislature of Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RANKIN. On what subject?

Mr. JOHNSON of Texas. On the subject of the regulation of cotton exchanges.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD I include a resolution passed by the House of Representatives of the Legislature of Texas. The resolution is as follows:

Resolution

Whereas the Hon. TOM CONNALLY, United States Senator from Texas, has introduced in the Senate of the United States a bill to control the conduct of cotton-futures exchanges by placing them under the same regulatory powers of the United States Department of Agriculture as grain-futures exchanges are now regulated; and

Whereas the passage of such a measure is highly important to the producers of cotton throughout the South and especially the State of Texas, and provides among other things for southern deliveries on future contracts and names many of the southern spot markets as delivery points, including the Texas delivery points of Houston and Galveston; and further provides that such cotton-futures exchanges shall operate under the supervision of the Department of Agriculture, and before any exchange may be granted permission to do business must assure the Secretary that rules and regulations will be adopted preventing the manipulation or cornering of the cotton market; and

Whereas under the further provisions of the proposed legislation the Secretary of Agriculture would be empowered to suspend any member of the exchange when the market is being manipulated or any questionable or fictitious transactions such as "washing the market" and tendering and re-tendering the same cotton repeatedly without the intention of bona fide sale or the accumulation of low-grade cotton at certain points, for tendering purposes, and by means of such practices the cotton market is arbitrarily caused to fluctuate, and usually downward, with its consequent losses to the producers of cotton and demoralizing to the cotton-spinning industry; and

Whereas such proposed legislation is not intended to abolish the operation of the exchanges covered by the bill, but would require them to restrict their operations to legitimate purposes: Now, therefore, be it

Resolved by the House of Representatives of the Forty-first Legislature of Texas, That we commend the Hon. TOM CONNALLY for his efforts in curbing the disastrous practices above mentioned by the introduction of his proposed legislation, and that we further memorialize the Congress of the United States to pass said legislation as proposed by Senator CONNALLY, or legislation of a similar nature, and that the Members of Congress from Texas be requested to use their efforts and influence to secure the passage of such legislation; and be it further

Resolved, That a copy of this resolution be furnished by the chief clerk of the house immediately to Senator CONNALLY and to each of the Members of Congress from Texas.

W. S. BARRON,
Speaker of the House.
LOUISE SNOW PHINNEY,
Chief Clerk of the House.

ADDRESS OF HON. JOHN D. CLARKE, OF NEW YORK

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address made by Representative JOHN D. CLARKE, of New York, before a tariff club in Delaware County of his State.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. RANKIN. Is the gentleman from New York here?

Mr. CLARKE of New York. Right here, your honor. [Laughter.]

Mr. RANKIN. Is that speech more than five minutes long?

Mr. CLARKE of New York. It is not much over five minutes. It is concentrated wisdom of a farmer boy. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS of Illinois. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the speech recently made by Representative JOHN D. CLARKE, of New York, before the Dairymen's League of Delaware County, N. Y., at its annual convention. Following this address, Mr. CLARKE was unanimously reelected director for his county.

The speech is as follows:

FUNDAMENTALS IN AGRICULTURAL PROBLEMS

"In 1896 marked sanitation measures began in the Department of Health in the city of New York. Year by year the requirements and bacteriological standards have been increasing and there will undoubtedly be added requirements, all seeking to improve the quality of the milk to the vast consuming public in the metropolitan area. This will involve added expenditures and greater efforts by the milk producers of the New York Milk Shed, who must go farther seeking to meet these higher standards, all having a tendency to make milk production a specialized industry.

"The National Dairy Products Corporation, Bordens, Meridale Farms, and a great number of independents engaged in distributing and manufacturing ice cream, condensed milk, dry milk, etc., represent the intermediate between producer and consumer. It is my prophecy that ultimately there will be further consolidations that will ultimately reduce the intermediate factors to two or three great companies, some of them so large in their ramifications that they will reach into every market in the United States, with considerable exports abroad. The natural tendency of these great intermediate corporations can not but result in economies, such as elimination of overhead, reduction of administrative, elimination of price cutting, establishment of better credits in order that returns on the investment to a great number of stockholders may be assured.

"On the producing end there must be evolved an organization that can speak authoritatively for the producer, that can give assurances, for instance, to the board of health, that an adequate supply will be produced to meet the requirements in the short period. They can have such facts and figures that they will know the expected production month after month that will fairly protect the producer in his efforts to obtain the cost of production plus a reasonable return. I mean this for the average producer, not for the farmer who can not manage.

"I had hoped that the great cooperative movement as represented in the Dairymen's League, could be the single agency, with an investment already in plants, etc., of between twelve and thirteen million dollars that must be protected, but it seems impossible to get the great majority of our milk producers in the league, as some do not like the name, others the officers and directors, others the contract, and some never could be satisfied unless they were running the whole show. It does seem as if for their own protection if they won't join the league, they should be willing to join some other organization and help to present a solid front for their protection and through some federated organization. I have given of my time and efforts to this end without pay and with no ambitions, personal or political, except to benefit the industry. Every student of the industry knows they have obtained greater protection because there were organizations fighting unselfishly for the industry."

Continuing, he spoke of a visit with Manager Gurnsey and others to the Reed Co. plant at Cincinnatus, Cortland County, where originally there were over 30 small plants, or creameries, expensive to operate, situated in 17 different towns in four different counties with about 550 patrons. Now there is but one plant with nearly 550 patrons delivering over 50 million pounds of milk per annum. This was developed by Henry Kerr, a Delaware County man.

"Sixty-seven such plants, it is estimated, would supply the metropolitan—would supply the entire metropolitan—area with all its cream, plain, condensed, and fluid milk.

"Milk merger after milk merger all falling into the capacious paws of the National Dairy, or Bordens, or some other dairy products company.

"The time is drawing on apace when milk producers have got to feel that they belong to a common brotherhood engaged in a noble enterprise, and present a solid front. Every plant that you help produce in the New York milk shed you are going to pay for. The real economic objective is a solid front of milk producers.

"Two big plants, properly situated, after a careful economic survey, would take care of all the milk in the Delaware Valley and its tributaries from Stamford to Walton, and the same thing is true in the East Branch Valley or the Susquehanna or Charlotte Valleys.

"Producers must, distributors will, stop the wicked, wasteful duplications."

Continuing, Congressman CLARKE paid a tribute to the sincerity and scope of President Hoover's desire for a genuine farm-relief measure as apart from the socialistic price-fixing schemes embodied in the equalization fee, the debenture plan, and other uneconomic panaceas which could but result in the last estate of the farmer being worse than the first. His impassioned tribute to the President was warmly applauded. He admitted that everybody could be fooled once, but expressed a scant opinion of those who can continually be fooled by the same plan or variations of it.

He told of some of the probable suggestions for added protection in the new tariff act introduced Tuesday and closed with an earnest plea that everything be subordinated to the principle of brotherhood, to the end that the happy solution of present troubles might be a legacy for those who are to come after the present generation has finished its work.

After a discourse which was nothing if not frank and forthright, Congressman CLARKE left the hall with the statement that he would not resent being allowed to retire from the directorship, but would in that event return at the conclusion of his present duties and work faithfully in the ranks for the same principles he had espoused.

After his withdrawal, on motion he was unanimously nominated for another term to succeed himself, the entire membership rising.

BUST OF THE LATE REPRESENTATIVE MARTIN B. MADDEN

Mr. LUCE. Mr. Speaker, in accordance with the instructions of the House, the Committee on the Library has secured a bust of the late Martin B. Madden, a Representative of the State of Illinois, and it has been placed in position in the corridor leading to the rotunda, a few feet from the main doors of the House. Arrangements have been made for suitable ceremonies in unveiling the bust next Monday morning at 11 o'clock.

THE TARIFF BILL

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, the readjusted tariff bill.

The motion was agreed to.

The SPEAKER. The gentleman from New York, Mr. SNELL, will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. HAWLEY. Mr. Chairman, how does the time stand?

The CHAIRMAN. The Chair is pleased to inform the gentleman that there is only one minute's difference. We will call it even.

Mr. HAWLEY. Mr. Chairman, I yield 40 minutes to the gentleman from Iowa [Mr. RAMSEYER].

The CHAIRMAN. The gentleman from Iowa is recognized for 40 minutes.

Mr. RAMSEYER. Mr. Chairman and Members of the House, we are now considering under general debate H. R. 2667, which is the new tariff bill. The Committee on Ways and Means has been at work on this bill since the first of the year. I attended all the hearings and heard nearly every one of the 1,100 witnesses who testified before the committee. After Congress adjourned the 4th of March and the subcommittees began the work of drafting the bill, I was present at each meeting of the subcommittees of which I am a member and also every meeting of the full committee. That is, you understand, the subcommittees and the committee to which I refer were composed of the Republican membership.

Naturally, I formed judgments on the various paragraphs of the bill. I intend to-day to give you the benefit of my studies on the bill and present to you the facts on some of the more controverted items of the bill.

First let me digress for a moment to make some observations on why we are here in an extraordinary session of Congress. The President of the United States in his message to Congress in the first sentence says:

I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

In the middle of the first page of his printed message I read:

The general result has been that our agricultural industry has not kept pace in prosperity or standards of living with other lines of industry.

That the agricultural industry has been and is yet in a subnormal condition is conceded by all informed persons, parties, groups, and interests in the country. On page 2 of the printed message of the President I read:

The Government has a special mandate from the recent election, not only to further develop our waterways and revise the agricultural tariff but also to extend systematic relief in other directions.

The President is speaking here of agriculture. I shall attempt to discuss the facts and conditions in an impartial and nonpartisan way. I wish you could forget for the time being that you are Republicans or Democrats. If Republicans, whether regular Republicans or pseudo-Republicans. [Applause.] I wish you would dismiss from your minds altogether for the present the issue of regularity. In the consideration of important matters like this bill it is more important to be right than regular. If we can help each other to get right, the issue of regularity will take care of itself in time.

The object of this session of Congress is to elevate agriculture; that is, to place agriculture on a parity with business and industry. But for the conceded subnormal condition of agriculture we would not be in session to-day. The economic condition of no other industry would have justified the President in calling an extra session of Congress. This Congress will be judged in its tariff legislation as to whether on the whole the rates in the bill are just to agriculture. In other words, we should ask ourselves the question in passing upon this bill whether the benefits we undertake to confer upon agriculture in our readjusted tariff rates outweigh the burdens imposed upon agriculture by such rates. Now, I wish to be perfectly frank in this discussion. There are some burdens in this bill imposed upon agriculture and consumers generally which I hope to see corrected either in this House or in the Senate before the bill is placed before the President.

Another thing I want to say before I undertake to discuss the schedules in this bill. On page 4 of the printed message the President says:

With some exceptions our manufacturing industries have been prosperous.

Manufacturing industries have been and are prosperous. This is a matter of general knowledge, and is also borne out by the increased income taxes that are being paid into the Treasury this year over last year. Nothing would benefit the manufacturing industries more than to bring about a condition which would increase the purchasing power of the American farmers. If the purchasing power of the American farmers could be increased as much as, or as little as, either way you want to put it, 10 per cent, it would mean more in the way of business and profits to the manufacturing industries than any tariff readjustments proposed for the benefit of those industries.

We are not here asking for anything but justice to the American farmers.

We are here, and let me impress this upon your minds, to carry out campaign pledges to elevate agriculture on a level with industries and business. Here we have agriculture on a platform that is lower than the platform on which business and industry are. We want to raise this agricultural platform up to the level of the industrial platform. Now, what benefit will it be to agriculture if we elevate the platform on which it rests and at the same time elevate to the same extent the platform on which industry rests?

With these things in mind let us proceed to discuss the bill before us.

Before taking up Schedule 7, the agricultural schedule, let me make a general observation as to the other schedules. I shall first eliminate those schedules that I do not propose to discuss: Schedule 6, tobacco; Schedule 8, beverages; Schedule 9, cotton; Schedule 10, flax and hemp; Schedule 11, wool; Schedule 12, silk; Schedule 13, rayon; and Schedule 14, paper. I think they are in reasonably fair condition.

During the campaign last fall it was admitted that the textile industries needed some help. The bill undertakes to give such help and makes some increases in duties, but the increases are not large and do not apply to the entire textile schedules, except the woolen schedule, where the duty on raw wool was increased from 31 to 34 cents per pound on the clean content, which made it necessary to increase the compensatory duties on the manufactures of wool because of the increased duty on raw wool.

Besides Schedule 7, I intend to discuss some items in Schedule 1, chemicals and oils; Schedule 2, earthenware; Schedule 4, wood; Schedule 5, sugar; and Schedule 15, which is the sundries schedule.

Another thing I wish to call to your attention before I start on the agricultural schedule is that on the surplus crops it was the opinion of your committee that very little aid could be given by increasing the duties, and if you will read Schedule 7 you will find that but few changes in rates are proposed on agricultural crops in which there are surpluses. There are two ways the committee had in mind by which assistance could be given to surplus crops. One was to encourage a shift from the surplus crops to the nonsurplus crops. We had that in mind when we increased the duties on flaxseed, soy beans, vegetables, and on some other agricultural products. If these duties have the effect the committee thinks they will have it will mean an increased production of nonsurplus products and a decreased production of the surplus products. The second way by which surplus crops can be helped is by the agencies to be established through the farm relief bill which recently passed the House, and which I hope will be law before long.

The Republican members of the Ways and Means Committee are holding hearings on some of the items in Schedule 7 and other schedules, and I probably should have deferred my speech until those hearings are completed, but since I have the floor I shall take up a few of the items appearing in the agricultural schedule and refer to them briefly.

There is some dissatisfaction with the rates proposed in paragraph 701 of this schedule because the duties on stockers and feeders were not increased. We did double the duties on beef and veal. The latest figures I can get on the importation of cattle from both Canada and Mexico are, that last year from Canada there were 166,000 head of cattle and 76,000 calves imported, making a total of 242,000. Up to date and since the first of the year 1929 there have been only about three-fourths as many imports of cattle from Canada as there were during a like period a year ago.

From Mexico last year we got 256,000 head of cattle, which was a larger number than in 1927, but the imports of cattle from Mexico were stimulated by the revolution in Mexico on account of the cattle owners who wanted to get their herds out of there into a place of safety. I understand that right now some American owners of cattle ranches in Mexico are driving their cattle over into the United States, and it may be that during this year we will have a larger import from Mexico than we had last year, but such imports will likely be very much less for 1930 and subsequent years.

We raise a lot of feed, and the committee had in mind that some of these stockers and feeders that come in, especially from Canada, are brought in for the purpose of eating up our surplus corn. In the northern part of my State I know stockers and feeders come in from Canada as well as from the range States out West. Speaking for myself, I could not see that 400,000 or 500,000 heads of cattle, most of which are brought in to eat up our surplus feed, would result in injury to our cattle raisers. Cattle raising is more largely carried on in the so-called range States than in the corn States. In the corn States we must get cattle in from the West or the range States to eat up our surplus corn and other feeds that go to fatten cattle.

Another thing we learned was that the selling price of these stockers and feeders in Canada, when you add the present duty of 1½ cents and 2 cents, depending on the weight, usually raises the price of such cattle above the price that similar cattle sell for in the United States—that is, stockers and feeders—at the same time.

I have figures here, furnished by the Tariff Commission after considerable study, which I shall be pleased to put in the RECORD. On the other meats we adjusted duties, using beef and veal as the basis, some of which can be justified on account of competitive conditions or the difference in costs of production here and abroad, while others can not be justified on that basis.

In the administrative part of this bill there is a provision to prohibit the importation of meat animals and the meat of such animals from foreign countries where the foot-and-mouth disease prevails. This will operate as an embargo against such animals and meats coming into the United States from Argentina and a number of other foreign countries.

Now, the butter paragraph, 709. In the tariff act of 1922 the duty on butter was 8 cents per pound. On April 5, 1926, the President raised the duty to 12 cents per pound, and the committee left the duty at 12 cents. The duty on butter was raised from 8 cents to 12 cents on the basis of competitive conditions in the United States and in Denmark, which at the time was the chief competing country so far as butter was concerned.

Since this duty was changed by the President the importation from both Denmark and Canada has greatly decreased. The importations seem to have kept up pretty well from New Zealand. New Zealand presents a condition upon which we were unable to get accurate data either as to selling price or as to costs of production.

Butter substitutes carry the same rate of duty as butter. My own individual judgment is that the proposed duty on butter is fair. You can steep the price of a necessity just about so far, and when you get beyond that point you are driving the people to substitutes. There is some danger in getting the price of butter too high—and butter has been bringing a good price for the last two years; there is no question about that. The people can be driven to substitutes, and if they once start in on substitutes they may begin to like them and continue to use them even though the commodity in which we are very much interested may come to a lower price.

Canada solves her butter-substitute problem by prohibiting by law the manufacture of butter substitutes, and also prohibits the importation of such butter substitutes. To consider legislation along this line is not within the jurisdiction of the Committee on Ways and Means.

Taking butter as a basis, we readjusted the duties on cream and milk and related products on the basis of 12 cents on butter. I think they were figured out quite accurately; if not, and we can be shown where any of these duties are out of line, I am sure the committee will be pleased to propose corrective amendments.

Another thing on which there is controversy is flaxseed, paragraph 760. After we had held our hearings, and after the committee started to write the bill, the Tariff Commission sent its report on its flaxseed investigation to the White House and we had that report.

This report, without going into the details of it, fixes the differences in cost of production of flaxseed in the United States and Argentina and the costs of getting the flaxseed of this country and Argentina to New York City.

Flaxseed is raised in Minnesota and in the Dakotas, and the chief competing country is Argentina, and counting the freight rate from Argentina to New York and also from the West to New York, it figures out 56 cents per bushel as the difference in cost of getting flaxseed to New York, and although there was a demand for a higher duty, with the information we then had, at least, the committee felt we were not justified in adopting any other rate, either lower or higher than 56 cents per bushel as proposed by the Tariff Commission.

Yesterday, I learned from the papers that the President, by proclamation, fixed the duty on flaxseed at 56 cents per bushel. He could have gone up, under the law, as high as 60 cents, as the present rate of duty is 40 cents per bushel.

There are other matters in the agricultural schedule which are the subject of some controversy and on which the committee is now holding hearings, and before I get through if there are any inquiries in regard to other parts of the agricultural schedule I shall be pleased to yield for questions. Before leaving this schedule I want to say that, on the whole, the rates proposed on farm products confer material benefits on the agricultural industry.

I want to go now to schedule No. 1, chemicals and oils. Agriculture was here and not only asked for increases of duties on items in schedule 7, which is purely an agricultural schedule, but schedule No. 1, which is the schedule on chemicals and oils and the oil question, and the casein question come in here.

Taking first the casein, the committee has given this most careful attention. Although I am not on that subcommittee, I gave casein as much consideration as any other item in the whole bill.

Casein, about 85 per cent of it, is used in paper manufacturing, and the other 15 per cent is used in the manufacture of glues and sprays and imitation ivory. The barrels of the fountain pens that most of you have are made out of casein.

Mr. JOHNSON of Texas. Tell us what casein is.

Mr. RAMSEYER. Casein is a product from skimmed milk. It is a product somewhat akin to cheese. It goes through a coagulating process just like cheese, and in this country this coagulation is effected by applying rennet or acid to the skimmed milk, but unlike cheese it is skimmed milk only that is used in the manufacture of casein, whereas in cheese the whole milk is used.

The question of competitive use is not so much at issue here, but the quality, as between the Argentine casein and the casein made in the United States. From the standpoint of raw material, the standpoint of production, and the standpoint of importation, casein presents a perfect tariff problem. A lot of our skimmed milk goes to waste. We produce 21,000,000 pounds of casein a year. We import 28,000,000 pounds a year. The duty now is 2½ cents per pound. It is a fact, as has been stated here, that the bookmakers will pay more for the Argentine casein than they will for the American casein, because they claim it is of a higher quality. They concede that California makes a limited amount of casein that grades up as high as the Argentine casein.

I do not see any reason in the world why we in this country, with the application of a little brains and skill, can not develop a casein of as high quality as the casein developed in Argentina.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. RAMSEYER. No; I can not yield now.

Now, whether an increase in duty will stimulate our producers of casein to make a higher quality of casein, of course, I can only conjecture.

I am inclined to think it would. I have had representatives of the dairy interests to see me before and since the tariff bill was reported. There was one from Minnesota, one of the leading men interested in the dairy products of the Northwest, and I told him if he could give the House and Congress the assurance that they could and would produce as high a quality of casein here as was produced in the Argentine they would help their cause for an increase of duty on casein more than anything else that they could do around here.

So there is the casein situation. I am not here to-day to advocate what the rates should or should not be, but I am trying to give you the facts and let you arrive at your own conclusions. I think I have stated the facts relative to the casein problem fairly and squarely.

Now, on oil. We consume in this country something like 600,000,000 gallons of coconut oil; about half of that is crushed in this country from copra; 76 per cent of this copra comes from the Philippine Islands. The other half of the coconut oil is imported, and 99 per cent of that oil comes from the Philippine Islands. About two-thirds of this oil is used in the manufacture of soap.

We were presented with a proposition to put a duty on the oil from the Philippine Islands. We were asked to put a duty on the oil and on the sugar from the Philippine Islands or to place a limitation on the importation of these products. That brings us squarely up to our relations with the Philippines. There are two honorable courses we can pursue toward the Philippines and our other island possessions. One is that so long as we insist on holding them we should allow them the freedom of trade with us. [Applause.] The second is that when the competition from the island possessions becomes so burdensome that we can not stand it any longer we should give them their independence. [Applause.]

On the broad grounds of political morality I can not see how we can take a half-way course between the two that I have stated to you. Three or four weeks ago, in talking with one of the officials high in the councils of one of our leading farm organizations, I stated to him the tendency of the committee on these propositions and told him the two courses open before us. He said that his organization had never taken a very definite stand on that; that they were strongly for a duty or a limitation on the products from the Philippine Islands, but if I was correctly stating to him the attitude of the committee, that hereafter his organization would come out boldly for Philippine independence. I told him that that was his right as an American citizen, and as far as I was concerned I could not see how we could take any other except one of the two courses that I presented to him at the time, and which are the same two courses which I just presented to you.

Now there are a few items in Schedule 2, earths, earthenware, and glassware, to which I wish to call your attention. You will find in this bill that a number of building materials have either been taken off the free list and put on the dutiable list or the duty has been increased.

In Schedule 2 the amendment to paragraph 201 takes common building brick off the free list and imposes a duty of $1.25 per thousand. That was put on to meet conditions in a small area about New York City. The imported bricks compete with brick manufacturers up the Hudson River. The brick makers up the Hudson still use the hand molding process. They say that the dirt is of such a character that they can not use the molding machines. The imported bricks are machine made. At any rate you have the duty on brick, which is an important building material.

The next building material included here is the item of cement. That covers a larger area. They claim that it will

only affect the Atlantic seaboard and probably San Francisco. I do not believe it. I believe that if you place a duty on cement it will tend to elevate the price on the Atlantic seaboard and in turn to elevate the price all over the country. I will tell you why. There is not a business in the United States in which there is a closer community of understanding than in the cement business. I know the competitive conditions in the Middle West, and if you buy from a cement plant 30 miles away or 300 miles away you will pay exactly the same price. Nearly 60 per cent of the cement produced is consumed by farmers and for road building. There are extensive programs of road construction under way in both the West and South. If we put a duty on cement and the price of cement goes up, everybody will lay it on the duty. If you put a duty on cement and the price of cement does not go up, you will not be able to convince anybody that cement would not have been cheaper if the duty had not been imposed.

There is your cement proposition in a nutshell. The question of labor does not come in here so much, because the digging up and manufacture of cement is largely a machine operation.

There are other things here which I wish to refer to. In paragraph 202 there is a little joker that not even the Democrats have yet discovered. In the last sentence of the paragraph you will find the quarry tiles provision inclosed in heavy brackets which means that they are eliminated. The present duty is 3 cents per square foot but not less than 30 per cent ad valorem. It looks as though they had gone out, and as far as the casual reader would know, they might have gone on the free list. The truth of the matter is, cutting them out there they slip up in another sentence where the duty is higher and raises the specific duty from 3 to 10 cents, which is over 200 per cent increase, and the ad valorem limit is raised from 30 to 50 per cent or an increase of 66⅔ per cent. The truth of the matter is that quarry tiles, those imported from England, sell for more in this country than the domestic tile of the same kind.

Window glass is in this schedule, paragraph 219. I made some study of that. On one basis of figuring the increases can be justified. There are three processes in making window glass. One is the Libbey-Owens. The factories using this process are making money hand over fist. Another is the Fourcault. Both the Libbey-Owens and the Fourcault produce window glass by the sheet-drawn process. The second process is the machine cylinder blown, and the third the hand blown. The hand-blown process is not used in anything any more except in the manufacture of perfume bottles. The machine cylinder blown process is an antiquated and expensive process as compared to the sheet-drawn process. The machine cylinder blown process will have to be scrapped, and they are scrapping it.

The report of the Tariff Commission on window glass, which found the cost differences that the Ways and Means Committee adopted to raise the rates in this paragraph, are based on cost differences in 1926, three years ago, and include costs of both the up-to-date and the antiquated processes. In 1926 in this country 59.2 per cent of the window glass was made by the machine cylinder process and in 1928 only 36.7 per cent was made by this process. The other processes are increasing; that is, the up-to-date methods. The Fourcault is the Belgian method, on which there were Belgian patents. These patents expired in 1927, and now anybody in the United States can use the Fourcault process, which is nearly as effective or as good as the Libbey-Owens process. In 1926, 10.1 per cent of the glass was made by the Fourcault process. In 1928, two years later, 25.6 per cent was made by that process. Take the Libbey-Owens system. In 1926, 28.7 per cent was made by the Libbey-Owens process and in 1928, 37.7 per cent, whereas in 1926 about 38 per cent was made by the Libbey-Owens and the Fourcault processes. In 1928, 63 per cent was made by the Libbey-Owens and the Fourcault processes, and I am told by men who are informed that in another two years' time probably from 80 to 90 per cent of the window glass manufactured in the United States will be made by these up-to-date processes. On the basis of costs of producing window glass by the Libbey-Owens and Fourcault processes, the proposed duty should be materially lower.

The issue of improved process arises also on the manufacture of earthen tableware. Those people were before us. They made out quite a story as to their distressed condition, and afterwards we learned of improved process used in the manufacture of earthen tableware. In all of these earthenware factories they used to burn tableware, and so forth, in beehive kilns, which had to be built up, and you folks who have seen such kilns have some idea of what they are. They put the fire in and burned it for 72 hours, then extinguished the fire and took out the ware from the kiln. In 1925 they first began to use the tunnel-kilns process, a tunnel running into the earth two or three hundred feet, with different degrees of temperature along the tunnel. They push in one car right after the other, laden with wares ready for the kiln, going through slowly, of course, and in 48 hours the car passes through. It is a continual process, and there is no building up of the beehive kiln and tearing it down again; and the facts that appeared before our committee are that those who have gone to the tunnel-kiln process, with a saving of from 10 to 12 per cent, and sometimes more, over the old process, are running full time with good profits.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman declines to yield at present.

Mr. RAMSEYER. I am informed by those who are familiar with this business that the beehive-kiln process is as surely doomed by the tunnel-kiln process as the top buggy and the spring wagon were doomed by the automobile. For these reasons the increased duties on earthen tableware are not justified. These are just a few things that I wanted to call to your attention in Schedule 2. There are other rates in this schedule that are subject to just criticism.

As to the metal schedule, I have not a great deal to say, except that there are places in the metal schedule where a reduction of duty could well have been made. There are some increases there. It is true that most of them are not very large, but larger in some instances than necessary. The proposed duties on watches and clocks are too high. In the debate here we have heard talk about hoes and rakes. Those are smaller items, but gentlemen who insist upon duties on these items simply do not give sufficient weight to psychological considerations. In writing a tariff bill we should propose rates that are economically sound and at the same time exercise some degree of political wisdom and sense.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAWLEY. Mr. Chairman, I yield 30 minutes additional to the gentleman.

Mr. RAMSEYER. I come now to the lumber schedule; that also is building material. About 50 per cent of the lumber is used on the farms. The cities, of course, have gone more and more to fireproof material. The greatest lumber production is in the State of Washington, around Puget Sound. Their competition is from British Columbia.

There is a duty on logs now of $1 per thousand feet. That language has not been changed. However, there is a provision in the bill that permits a considerable importation of logs free. That provision has been cut out.

Now they claim it costs more to produce logs in the State of Washington around Puget Sound than it does up in British Columbia. I call your attention to the first part of this chart [indicating]. The table on the chart is as follows:

Logs

(Fir, spruce, cedar, and western hemlock)

	Feet
United States production	3,000,000,000
United States imports	177,000,000
United States exports:	
Cedar logs	261,520,000
Fir logs	34,483,000
(99 per cent of cedar and 78 per cent of fir exported to Japan.)	
Canadian exports to Japan:	
Cedar	104,390,000
Spruce	177,000
All other	18,234,000
Total	122,701,000

Lumber

United States lumber production:	
Softwoods	30,186,402,000
Hardwoods	6,393,700,000
United States imports from Canada:	
Softwoods	1,592,971,000
Hardwoods	69,183,000
United States exports to Canada:	
Softwoods	70,786,000
Hardwoods	85,561,000

Shingles

United States production	6,634,000,000
Canadian production	3,029,000,000
Imports to United States	2,424,000,000

Here are logs, fir, cedar, and hemlock. The United States production of fir, spruce, and western hemlock logs was 3,000,000,000 feet annually. The United States imports were 177,000,000 feet. These figures all indicate annual production. The United States exports: Cedar logs, 261,520,000 feet; fir logs, 34,483,000 feet. Ninety-nine per cent of cedar and 78 per cent of fir were exported to Japan. Now, let us take the Canadian exports to Japan. They were: Cedar, 104,390,000 feet; spruce, 177,000 feet; all other, 18,234,000 feet, or a total of 122,701,000 feet. As to lumber: United States lumber pro-

duction, softwoods, was 30,186,402,000 feet; hardwoods, 6,393,700,000 feet.

Here is Puget Sound [indicating], and here is Vancouver, alongside each other, the same distance from Japan. Yet we in the United States sell to Japan more logs than Canada does. Now, if Canada's cost of production of logs were so much less than the cost of production in the United States you can readily see that instead of our shipping twice as many logs to Japan as Canada does the situation would be reversed.

The bill proposes a duty on cedar lumber. As given here, the total annual production of lumber, softwoods, is 30,186,402,000 feet and hardwoods 6,393,700,000 feet. The United States exports to Canada, softwoods, 70,786,000 feet. You see we import a great deal more than we export.

There is another paragraph in the bill imposing a duty on hardwoods. Of hardwoods we export to Canada 85,561,000 feet and import from Canada 69,183,000 feet. The figures on this chart need no further amplification.

On the shingle proposition we have all heard a great deal about the distress in the shingle industry in Washington. We import a great many shingles from Canada, as the figures here will show; first our production, Canadian production second, and imports into the United States.

I started in with this hearing thinking the shingle industry was in great distress. I think that following the war the shingle industry, like many other industries, was in distress. In Canada the shingle industry went through a period of distress just as it did in this country. Mr. Bloedel, of Washington, who is a resident of Mr. HADLEY's own district, a lumberman for many years, came before us. I listened to his testimony, and when he came on, of course, I thought he would be for a duty on shingles. It turned out afterwards that he was not. There seemed to be a disposition to discount his testimony because in 1925 he went to Canada and bought a bankrupt shingle mill and put it on its feet. He has shingle mills in Washington as well as lumber mills. He has no lumber mill in Canada, according to his own testimony. I asked Mr. Bloedel some questions. I said:

There was a good deal said about the distressed condition of the shingle mills in Washington. Just what is the trouble with the shingle mills in Washington

Mr. BLOEDEL. I think their whole trouble was in the past. They were suffering from the period of postwar inflation, and the reconstruction that was necessary afterwards. It has been gotten out of their system entirely, and for the last year we have had better prices, and profitable prices. Prices have gone up $1 per 1,000 on XXXXX, and $1.25 per 1,000 in the last year, and on this basis they are profitable.

Mr. RAMSEYER. Do I understand you to say that the shingle mills of Washington are back on their feet again?

Mr. BLOEDEL. Yes, sir; they are.

Mr. RAMSEYER. And they do not need this tariff on shingles?

Mr. BLOEDEL. They do not.

Right here, before I forget it, I want to tell you that during the last year prices of lumber all over the country have been increased. I do not know whether you want to take that into consideration in selecting a real fitting time to put a duty on lumber and shingles. I read further from the hearings:

Mr. RAMSEYER. I want to know how much less your production costs are in your Canadian mills than they are on this side of the line in Washington.

Mr. BLOEDEL. You want to know that as to the shingle mills, Mr. RAMSEYER?

Mr. RAMSEYER. Yes.

Mr. BLOEDEL. I have no comparable lumber mills of my own, but I have a shingle mill.

Mr. RAMSEYER. All right.

Mr. BLOEDEL. My production cost in Canada in the shingle mill was $2.91 per thousand of shingles for all the shingles I made in the year 1928. My production cost in Bellingham, which is just 20 miles south of the line and only 40 miles from the other mill, was $2.45.

Mr. RAMSEYER. $2.91 in Canada?

Mr. BLOEDEL. $2.91 in Canada and $2.45 in the American mill. Those are my last year's figures.

Mr. RAMSEYER. And you used the same system of computation in both places?

Mr. BLOEDEL. The same system of computation exactly. I must make this qualification. The shingles in Canada were of a higher grade than the shingles made in the United States. That is a difference in material. It is not a difference in labor or supplies. The amount of labor that went into the shingles was the same, but we made more XXXXX's and perfections and less clears and stars. On the American side we made more of the clears and stars and less of the XXXXX's and perfections. That was the difference. The reason we do that is because our timber and the method of manufacture is best adapted on each side for that purpose. We make the cheaper shingle on the American side because it is more or less in the nature of a by-product.

It is a fact known to the lumber interests all over the country that Canadian shingles sell for more in the American market than the shingles made in the State of Washington.

So much for this lumber proposition.

Mr. HADLEY. Will the gentleman yield?

Mr. RAMSEYER. For a correction, but not for a question.

Mr. HADLEY. Well, it is an amplification of the gentleman's statement. The gentleman is leaving this matter, and that is the reason I have interrupted him.

Mr. RAMSEYER. I yield to my colleague if he insists.

Mr. HADLEY. I simply want to call the gentleman's attention to the fact that he has selected a witness on that subject who admitted, upon cross-examination, that before a duty was put on logs he went to British Columbia and made a large investment in timber, and that after a duty was put on logs in 1922 he went there for the purpose of manufacturing not only shingles but also lumber, and upon examination it developed that his Canadian interest was such before the tariff that he had to build in order to meet the situation under his previous investment; is not that the fact?

Mr. RAMSEYER. I stated before I went into this that his testimony would probably be discounted by some because he had Canadian interests. However, he did not get his shingle mill until 1925. He bought a bankrupt shingle mill up there just as he could have bought a bankrupt shingle mill in the State of Washington.

Mr. HADLEY. Is it not true that he has a big investment in Washington which he has carried for a great many years, to my knowledge, and also an investment in British Columbia, so that his cost of production, involving as it does his investment in standing timber and the carrying charges on it, could be set at whatever figures he chose, and is it not further true that he is the only witness who appeared on the subject that made any such contention; is not that true?

Mr. RAMSEYER. There were other witnesses from the Pacific coast who advocated free lumber and shingles. If Mr. Bloedel had logs up in Canada, why did he not send them to Japan and undersell our logs if the cost of production in Canada is less than here?

Now I want to say just a few words about the sugar schedule and give you my reaction on it. I have a chart here. I do not know whether you can see it, but I am not going to refer to the figures very much. The table on the chart is as follows:

Sugar production

Year	United States				Total, islands (Porto Rico, Philippines, Hawaii, and Virgin Islands)
	Beet		Cane		
	Acres	*Short tons*	*Acres*	*Short tons*	*Short tons*
1911	474,000	600,000	310,000	342,720	1,184,039
1914	483,000	722,000	213,000	292,698	1,357,070
1918	594,000	761,000	231,000	243,600	1,511,429
1921	815,000	1,086,000	226,000	169,116	1,347,259
1924	815,000	882,000	163,000	162,024	1,569,028
1925	647,000	1,091,000	190,000	88,482	2,095,327
1926	677,000	901,000	128,000	139,381	1,891,119
1927	721,000	987,000	80,000	47,165	2,103,804
1928	644,000	1,081,000	138,000	70,792	2,287,177

This chart shows the beet-sugar production in the United States, the cane-sugar production in the United States over a number of years, and also the sugar production in our island possessions. There were two reasons urged before the committee to justify an increased duty on sugar. One was that the beet-sugar growers were not getting enough for their beets. Well, if that is the case, any additional duty would help. The argument that was most stressed in justification for an increased duty on sugar was that we should produce all the sugar we need in the United States so that in case of war we would not be dependent upon other countries for our supply of sugar. Now, the question arises, will this increased duty on sugar expand the sugar area in the United States? The people of the United States consume between five and six million tons of sugar annually. The chief obstacle to the expansion of the beet-sugar area is the labor. At least, I can not escape from that conclusion. It appears that up to date the laborers employed in the sugar-beet fields have been largely Mexicans and other foreigners. The nature of the tasks to be performed requires the laborers to get on their hands and knees to thin and weed the beets. This is a kind of work to which American labor does not take to with any enthusiasm.

The sugar duty was increased in 1922. Sugar is cheaper now than it was in 1922, but it is not because of the duty or because of increased production in the United States but because of the unusual situation in Cuba, a world overproduction of sugar. I understand that sugar now comes into New York at $1.95 per hundred pounds. The sugar experts who were before us gave it as their judgment that sugar was bound to go up in the next year or two, increase or no increase of duty. Now, will an increased duty expand our beet-sugar area? On this chart you will see that as to beet sugar we had in 1911 477,000 acres, with 600,000 tons; in 1924 we had 815,000 acres and 882,000 tons; in 1928—this whole table will appear in the RECORD—644,000 acres and 1,081,000 tons.

Now, as to cane sugar, you will notice that in the next to the last year there were only 47,165 tons produced, while back in 1918 there were over 200,000 tons produced, and last year the production was only 70,792 tons. The only place in the United States where sugar cane can be grown to any extent is in Louisiana. They have a disease which afflicts the cane; I believe they call it the mosaic disease, which up to date they have been unable to control. No one advocates that you can control disease by an increased tariff. For the present, increased production of cane sugar is out of the picture. So the question presents itself, Will you increase the beet-sugar area by steeping the duty to the amount that is recommended in this bill? And, if so, are you willing to pay the price? The consumer has to be taken into consideration. The farmers are the largest per capita consumers of sugar in the United States. Sugar produces energy, and the fellow who works can consume more sugar than the fellow who does not. They not only consume sugar for day-by-day table use but they carry on large canning and preserving operations for family use.

I do not know whether I will say any more about sugar production in the United States. I have presented the facts, from which you can draw your own conclusion.

Now, another thing I wish to call to your attention is that if this increased duty does not enlarge the sugar acreage in the United States you will have just one other effect, and only one other effect, and that is you will by increasing the duty stimulate sugar production in our island possessions. Of course, the Timberlake program, which calls for 3-cent sugar, also calls for a limitation on the importation of Philippine sugar, but I think it will be the policy of the Congress not to place a limitation on the importation of Philippine sugar. We may in a few years give them their independence. I do not know about that. In Porto Rico and Hawaii the acreage can not be extended very much. The Philippines, however, can expand their sugar acreage very materially. That is the picture.

Now we come to blackstrap.

Mr. WOODRUFF. Before the gentleman leaves that will he yield?

Mr. RAMSEYER. If I can get additional time, after I am through I will gladly yield, but if I yield on each controverted issue under discussion my time will have to be greatly extended. I hope the gentleman will excuse me for the present.

Mr. WOODRUFF. I will say to the gentleman I was not proposing to enter into a controversy with him. I wanted to aid the gentleman in getting his ideas before the Members of the House.

Mr. RAMSEYER. Well, I am getting my ideas before the Members of the House in a rather feeble way, I admit. [Laughter.]

Now, here is your blackstrap: Blackstrap is imported from Cuba and Porto Rico, chiefly from Cuba, and in increasing quantities, for the manufacture of alcohol. Blackstrap has ranged from 3.7 cents a gallon to 12 cents a gallon since 1922.

It is proposed by those who favor an increased duty on blackstrap that if we get the price of blackstrap high enough it will let corn into the manufacture of alcohol and we can consume 35,000,000 or 40,000,000 bushels of corn for that purpose.

Depending upon the price of blackstrap—ranging from 6½ cents to 9½ cents per gallon—it costs from 25 cents to 33 cents to make a gallon of alcohol from blackstrap. On the basis of corn, figured at from 70 cents to 90 cents per bushel, it costs from 37 cents to 42 cents to make a gallon of alcohol from corn.

If this were the only thing before us—blackstrap on the one hand and corn on the other—it would simply be a question of how much, in addition, we would be willing to pay for our alcohol; impose a tariff on blackstrap accordingly and keep out the blackstrap and let in the corn.

We consumed in the United States last year about 90,000,000 wine gallons of alcohol industrially. Back in 1911 and 1912, when we produced more than at any other time for drinking purposes, we consumed about the same amount. Of this 90,000,000 gallons of alcohol, 40,000,000 is used as antifreeze and goes chiefly into automobile radiators, 25,000,000 gallons is used in the cellulose industry, 8,000,000 gallons in shellac and varnish, 5,000,000 gallons in toilet and perfume preparations, and from 10,000,000 to 15,000,000 gallons in miscellaneous uses. These are the uses of alcohol.

After the hearings were closed the committee was confronted with another difficulty, a difficulty which is minimized by some and I presume exaggerated by others. Now, bear in mind that the cost of making alcohol from blackstrap is from 25 to 33 cents per gallon, and from corn from 37 to 42 cents per gallon.

I have in my possession here a statement from a chemist in the service of the Tariff Commission in regard to synthetic alcohol. He claims that synthetic alcohol is a reality and that it can be produced from three raw materials, to wit:

First. Calcium carbide.

Second. Natural gas.

Third. Ethylene from blast-furnace gas.

We have reliable information that there is one plant now making synthetic alcohol, located in West Virginia, which got a permit from the Prohibition Commissioner in the latter part of April to make this alcohol during the month of May. It may be that by the 1st of next month this company will give us the benefit of their experience in making synthetic alcohol. It is estimated that synthetic alcohol can be made from these raw products which I have just given you at a cost of 36 cents a gallon.

If synthetic alcohol is a reality and not a dream or a bluff, as some think, then you can readily see that in steeping the duty on blackstrap molasses to let corn in, before you reach the corn you would reach the synthetic alcohol, and this is the problem that has been perplexing the Ways and Means Committee.

The rate written in the bill of 2 cents per gallon on blackstrap which goes into the manufacture of alcohol is absolutely worthless. It will take at least from 6 cents to 8 cents duty on blackstrap to get corn in to compete with blackstrap for alcohol purposes, and you can not escape the conclusion that if snythetic alcohol is a reality and can be produced for 36 cents a gallon, corn will not be helped by imposing a heavy duty on blackstrap.

Now, on these controversial matters my mind is still open. I want to help corn, but we must give some heed to the testimony of intelligent and disinterested witnesses. I have not given up the fight, I am seeking for more reliable information. If any of you have information on this perplexing problem. I want it.

Mr. COCHRAN of Missouri. How about a duty on blackstrap molasses for cattle feed?

Mr. RAMSEYER. The duty on blackstrap for cattle feed remains in here the same as in the existing law, one-sixth of 1 cent per gallon.

I have just given you the problem.

Before I leave the subject I do wish to call to your attention a place where you could render a real service to corn. What I am about to suggest can not be inserted in the tariff bill under the rules of the House. However, inasmuch as the rules of another body are much more liberal than they are here, I will make the suggestion not only for your information, but for possible guidance of that other body, and that is, the definition which the Department of Agriculture has promulgated for sugar, defining sugar as sucrose at a time before corn sugar was heard of. That department defined sugar as sucrose. Corn sugar is dextrose. We make something like a billion pounds of corn sugar a year now. We started out in 1919 with only 157,000,000 pounds of corn sugar.

Corn sugar, according to the chemists and the doctors, is as pure as the beet or the cane sugar. It is not as sweet, but for baking and ice cream, where it is used now, it is as good, and for a lot of purposes it is better than sucrose. If we can get sugar defined as either sucrose, dextrose, or levulose, we can enlarge the use of corn sugar and it will be used in the soft drinks and in the canning of fruits, and so forth. By thus enlarging the use of corn sugar, the corn-sugar industry would have use for at least 40,000,000 additional bushels of corn; that is sure. That would spell real relief for the corn farmer.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman 15 minutes more.

Mr. RAMSEYER. Now just a word about tapioca. I simply want to give you the problem that confronted the committee. Since the bill was reported out I have had in my office every day either advocates for a duty on tapioca or advocates for leaving it on the free list. The question that perplexes me is

to what extent tapioca is competitive with cornstarch and other starches. I will give you what the Tariff Commission, and the corn-products people who urge a tariff on tapioca, and the interests opposed to a tariff on tapioca, agree that the percentage of the uses into which tapioca goes is correct.

As a food 20.4 per cent of the tapioca imported goes into food products. Part of this goes into tapioca pudding, and I will leave it to you whether tapioca pudding is competitive with other puddings. Tapioca is a food, and as a food it is competitive with domestic foods.

Now, in the sizing of textiles, corn, potato, and wheat starches, as well as tapioca starch, are used. Cornstarch is used to a larger extent than any other; 9.07 per cent of tapioca goes into the sizing of textiles and 33.1 per cent into wood glue; 27.3 per cent goes into adhesives, making a total in the three uses just named 69.47, leaving 10.13 per cent for miscellaneous uses. I tried to get the conflicting interests to agree, as far as they could, in what fields tapioca was competitive and in what fields it was noncompetitive. Up to date they have not come to an agreement.

I should like to see a duty on tapioca. I doubt whether the tapioca that goes into the sizing of textiles is competitive with other starches. Each starch produces a little different effect and they use the kind of starch according to the effect they want to produce on the cloth. The wood-glue people tell me that they can not use cornstarch in making wood glue. A very good wood glue can be made out of casein. Wood glue made of casein is a better glue than wood glue made of tapioca, but costs about twice as much and therefore its use has been restricted.

In the field of adhesives I think you could segregate the tapioca into competitive and noncompetitive. But that is a problem that perplexed your committee. Now, I have given you the facts. My time is about up. I wanted to discuss a number of other items, including duties on hides, leather, and boots and shoes. I must leave these subjects for another day.

Now I do not want to take up more of your time. I think I have touched some of the controversial points in this bill. I am not going to discuss how this bill should be considered and what amendments should be permitted. I leave that for another time and place. Before closing there are two things that I want to call to your attention found among the administrative provisions. I would like your special attention on these two propositions.

Take section 402 (b). Imported articles may be assessed on different values. There is the foreign value and the export value. The appraiser appraises it either on the export value or the foreign value. If he can not get that value, he goes to the United States value, which means the wholesale selling price of the foreign article in the United States. If he can not get that, he goes to the cost of production. Under the present law the appraiser selects the basis of valuation. If the importer or anybody else is aggrieved, an appeal is taken to the customs court, which, while a national court, has its chief office in New York City. In that court there may be a controversy as to the value or the basis of valuation. Suppose the appraiser appraises the imported article on the United States value and there is also a dispute as to whether the article should be valued at a dollar or a dollar and a half. Under the present law the controversy on both the basis of valuation and the value goes to the court for decision.

The proposal here is to make the decision of the appraiser final as to the basis of valuation subject to an appeal to the Secretary of the Treasury, from whose decision there is no appeal to any court.

The basis of valuation is left with the appraiser and the Secretary of the Treasury. Controversy over the value on that basis is determined by the court. I frankly do not like that provision in the bill. We have had a court there that has functioned, I think, since 1890. It has, by experience and intelligent work, developed a customs law, a law that is familiar to the business world and familiar to the importers. That court should not be restricted in its jurisdiction as proposed in this bill. An important question like the basis of valuation should not be left to administrative officers from whose decision there is absolutely no appeal. [Applause.]

The object in bringing about this change, I feel, is that there is some sentiment in the country to go on the American valuation for imported articles, which is higher than the export value, foreign value, or United States value, and a Secretary of the Treasury with the proper mental slant might force more of the imported articles up to the United States value than now come in that way under the rules and regulations and law well understood by the business world and the courts. Before this bill is finally passed I hope the committee will see fit to reverse itself on this proposition and give the House an opportunity to vote on the proposed change.

Another thing I wish to speak of in this connection, and that is the last, is the slap and humiliation directed against the customs court. Up until 1926 this court was a board of appraisers. There was enacted in 1926 a law making this board a court. The Chief Justice of the United States, the Treasury Department, and the Department of Justice, all agreed that its duties were the duties of a court, and that it should be a court.

I shall not undertake to tell what the animus back of this is, and I think it is animus and not good judgment that has brought this about, but the proposal is to put the United States Customs Court back to a board of general appraisers. This court has done a lot of hard and intelligent work. It considers exactly the same kind of cases that the United States Customs Court of Appeals does. In fact, the United States Customs Court of Appeals can not consider any cases except those that come from the customs court, so that the lower court is as much a court as the higher court, and if we are justified in humiliating the members of the customs court by reducing this court to a board, we would be equally justified in directing a similar humiliation toward the United States Customs Court of Appeals which has its headquarters here in the city of Washington.

Mr. Chairman, this bill represents a great deal of labor. It has some good points and it has defects. It is our business in so far as we are able to do so, to cure its defects either here or in the Senate. We are all interested in that. We have worked together as a committee hard and long. It is now up to the Members of the House to address themselves in a similar way to the consideration of the bill. To approve what you can, and if you can not approve, give us something better. We invite criticism, but let that criticism be constructive. Do not just get up and criticize and philosophize and theorize, like some of my friends on the Democratic side. A few of them have been on the Ways and Means Committee for 10 or 20 years—I do not know how long. It does seem to me that men with that length of service, in dealing with tariff matters, could present here a perfect bill, according to their own views. I assure them that if they will present a bill, schedule by schedule, item by item, which they think is better than the one we present here, I, for one, will address myself to a serious and conscientious consideration of every provision in it. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GARNER. Mr. Chairman, I yield one hour to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Chairman and colleagues, you have listened to a very able and an honest man. I congratulate the Nation that the great State of Iowa has again produced a Senator Dolliver—a man who will stand up for his convictions and try to see that tariff laws are equitable. I love the gentleman from Iowa [Mr. RAMSEYER] and I felt intensely sorry for him. I never heard him labor so uphill in my life. I listened to him attentively, and if there is a single provision in the bill that he approves, I do not know what it is. At first I did not intend to make any speech on this bill, because I realize the futility of it; but, on reflection, I have decided to talk simply for the purpose of making known my own tariff views, and to criticize some of the provisions of this bill which is primarily presented to you as a farm bill. In my discussion I am going to endeavor to be dispassionate, courteous, and to inject as little partisan politics as the method of its preparation of the bill, the history of the case, and the bill itself will permit. I agree to all of the complimentary things stated about our chairman and the Republican members of the Committee on Ways and Means—as individuals. They are delightful friends, they are my personal friends. I am delighted to be with them individually; but, collectively, when they meet behind closed doors to write a tariff, bound to secrecy, I can tell the farmers and the consuming public: Abandon hope, all ye who enter here, for the public will pay the freight. But for its being pathetic and serious, the procedure now going on in the Ways and Means Committee room each morning would be amusing. The 15 Republican members of the committee assemble, and the Members of this House, as suppliants, appear before them to crave the poor privilege of offering an amendment, begging for the privilege of having a chance to offer an amendment on the floor of this House protecting the rights of their constituents. And they are appearing before the same board that has turned them down.

Oh, you are dealing with very astute gentlemen, I will say to my new colleagues. They are not concerned about changing the provisions of this bill so far as equitable rates of tariff are concerned. I have never known a bill reported to the House that has had as much opposition from its own side as this bill.

They would not care if 25 or 30 of you bolted and voted with the Democrats. That would not be effective. They have 104 majority. They are going to give you just as little as they can to hog-tie you, and then if they have enough Members on that side to adopt a rule, a rule will come in and the House and its Members will be denied the privilege of offering and voting on amendments, and it will be put through.

Most of the nations in the world have a protective-tariff system, and the United States has one, to protect labor and our manufacturers from lower labor costs in Europe. I am opposed to having the American standard of living reduced to that of Europe and Asia. I am no new convert to that doctrine. I voted for the emergency tariff bill in 1921, and I feel that with that policy the farmers and the natural products of the soil are as much entitled to tariff benefits as the manufacturer.

I am not in favor of tariffs high enough to constitute an embargo, to give a monopoly of the American market to the domestic manufacturer, because a monopoly creates trusts and raises prices and gouges the American consumer. But I do favor a tariff not for revenue but for protection to American labor and to American manufacturers, to equal the difference in the cost of production at home and abroad; and if labor and other costs are equalized surely American ingenuity in America can compete. That kind of system protects also the great consuming mass of the people, for they have competition in the markets in which they buy.

Now, in favoring that policy for my district, I also favor it for every other section of the United States. [Applause.] I abhor sectionalism, and I thank God that we are one united, indissoluble country. [Applause.] I favor that kind of tariff for every section. But I am not for monopoly. Monopolies not only create trusts and make the American people pay an unfair price for what they purchase but they also interfere with our commerce with the other nations of the world, and it is axiomatic that neither an individual nor a nation can live to self alone. We are obliged to have social and economic relations with others, and if you have embargo tariffs you engender the animosity of the other nations of the world, and they pass reprisal tariffs, which may seriously interfere with the commerce of this nation. And, my friends, the great bulk of agricultural products are surpluses and have to be sold in the markets of the world.

In 1928 our exports were about $5,000,000,000, the greater part being agricultural products. Our imports were a little over $4,000,000,000, three-fourths of it being agricultural products. Now, any tariff law that creates an embargo is a serious proposition. Our able, astute business men would render a patriotic service to the Nation if they would devote their ingenuity and great brains to trying to extend our foreign trade, finding a market for our ever-growing surpluses of agricultural and manufactured products. Then they would be real patriots.

But some of our Republican friends may say that the rates in the Fordney-McCumber bill did not forbid importations. If you will examine those importations you will see that the bulk of them were of those commodities of which we do not produce sufficient to meet our demand, or which we do not produce at all, such as raw silk, rubber, tea, coffee, sugar, jute, hides, chemicals, and minerals. But we have no world monopoly in agricultural products. All the nations in the world can raise them, and if we continue to raise our tariff walls and get them so high that the other nations can not deal with us, can we hope to continue to sell to them? It is indisputable that you can not hope to sell to those from whom you will not buy. Business is reciprocal. That is worthy of your serious thought.

Now, I wanted to support this farmers' tariff bill, and hoped I could, and I hoped it would be written on the formula that I have outlined; and had it been, I would cheerfully support it. But it is a typical Republican tariff bill. The farmer is used as a smoke screen to further boost the already high tariff for manufacturing industries, and an examination of the bill will demonstrate it. The American Federal Farm Bureau estimated that under the Fordney-McCumber bill the agricultural interests, by virtue of the tariff, received $29,000,000 benefits and bore burdens to the extent of $331,000,000, leaving the farmer $302,000,000 worse off under the Fordney-McCumber bill. And if you will study this bill, in my judgment, you will find the differential still against the farmer. I asked a distinguished farm leader to make an estimate for me on this bill. He agreed that the differential is greater, but said it would take weeks and weeks to do it, and said, "Why trouble about that? Because you know this bill will never become a law," and he was correct.

President Hoover called this Congress into extra session for one purpose—farm relief legislation—and one of his formulas for farm relief legislation was a revision of the tariff on farm products so as to give the farming interests like benefits of the tariff as the manufacturers receive.

Now, let me analyze some of the provisions of this bill with that cardinal purpose in view and you be the judges as to whether or not this is a farm bill. The farmers asked for increased duties on vegetable oils. Now, I grant you freely that a majority of those competing oils come from the Philippine Islands, and I believe, just as the gentleman from Iowa believes, that as long as the Philippine Islands are under the American flag commerce from that nation should not be taxed, and I take that position notwithstanding the fact that many of my own constituents urge legislation keeping out coconut oil and copra from the Philippines. But it is not right. As long as they are under the flag their products should come in freely. I will vote to give them their independence and then vote tariffs on their products. But, my friends, there is a substantial amount of competing oils that come into this country, not from the Philippines but from foreign countries, and a higher tariff would have helped on those. Do you know who was the leading opponent of a tariff on vegetable oils? It was Procter & Gamble, who are generous and princely contributors to the Republican campaign funds. They were before the committee opposing any increase and they were also represented by very distinguished and very able and prominent Republican counsel, who did not appear before the committee but they were on the job. Now, what is the result of the committee's action as to vegetable oils? There was no increase granted on copra, coconut, peanut, or cottonseed oil but there was an increase granted on palm-leaf, olive oil, and soya-bean oil. But you know my dear friends on that committee were so solicitous for the interests of the soap manufacturers that they put a provision in the bill that palm-leaf and these other oils, when imported—except soya-bean oil—denatured and unfit for edible purposes, should come in free, and in their report they call the attention of the soap manufacturers to the fact that this provision prevents the increase from being any injury to them. You read the report and see if I am not correct.

The southern farmers were asking a tariff on long-staple cotton. The gentleman from Mississippi [Mr. WHITTINGTON], in a very able manner, both before the Ways and Means Committee and before this House, has thoroughly discussed that problem and I can add nothing to what he said. Of course, a tariff will not benefit the producers of short-staple cotton, for from 60 to 65 per cent of it is sold in the markets of the world, but the one little ewe lamb, so to speak, of the cotton farmers that a tariff would help is long-staple cotton. They appealed for a tariff. The textile interests of New England that manufacture that into cloth opposed it. They already had a high tariff on threads and cloth made out of that cotton. What is the result of this action? No increase on cotton? It comes in on the free list, but the already high rates of the textile interests on cloth and threads manufactured out of this cotton are still further raised.

I am sorry he is not here, but the leader of the farm bloc, the gentleman from Iowa [Mr. DICKINSON], yesterday told me something that had occurred in the conference before the Republican members of the Ways and Means Committee when the gentleman from California [Mr. SWING] was urging a tariff on this long-staple cotton. He told me it was stated in the committee that if we stopped buying this Egyptian cotton or put a tariff on it, England might produce in her possessions cotton that would cripple or destroy the production of cotton in the United States. Oh, gentlemen, it is sad and it is pathetic that in the deliberations of those 15 gentlemen passing on the rights of my constituents not a single Member is on there from the entire South and not one who knows anything about cotton. Is it not pathetic?

The facts are that England for 75 years has been trying to produce cotton in India, Egypt, and other places, but she has never been able to do it in sufficient amounts or quality to meet her requirements, and when cotton is high the spinners of Manchester have made up pools of $10,000,000 and $20,000,000 and sent the money to Egypt and India for the purpose of trying to develop the raising of cotton there. They have put in big irrigation projects, and they are raising now about 5,000,000 bales of cotton. It is short-staple cotton and inferior to ours, and the southern cotton producers are quite willing to take their chances at being put out of business by England's raising short-staple cotton; but what they do want and what they do ask is that they be accorded the same tariff benefits on cotton that the industries of this country receive. I had not intended to say this to you, but I promised the gentleman from Iowa that I would answer the unfair criticism. For a good many years on the coast and islands of my own State

and South Carolina they have produced the finest cotton the world has ever known—sea-island cotton. It was the longest staple, the strongest staple, and the representative of the Clark Manufacturing Co. before the committee said it was the best cotton. But what are the facts? Importations began to come in and the boll weevil made its appearance. The importations reduced the price. Sea-island cotton is late in maturing and the boll weevil attacks it more. In order to overcome the ravages of the boll weevil you must hasten it and try to get your crop matured before the weevils are out in sufficient numbers to eat it up. As I say, the importations of this long-staple cotton depressed the price of long-staple cotton to such an extent and weevil ravages reduced the yield so low that it became more profitable to grow the short-staple cotton. In passing let me say that at times there was 75 cents per pound difference in the price of long and short staple cotton. So the producers simply stopped raising the sea-island cotton because they could not compete with Egyptian cotton, and there is not much raised to-day in the United States.

Now, I hope the Representative of the farm bloc will read these remarks, answering the reasons given behind closed doors to the Republican members of the Ways and Means Committee as to why this long-staple cotton should not be given the benefit of the tariff.

Now, the southern farmers urged a tariff on jute. I am not going to argue it because my distinguished colleague from Georgia [Mr. Cox] thoroughly covered the case. Ludlow & Co., of New England, the owners of two big jute mills in India, opposed it, with the result that Ludlow & Co. win and there is no change in the tariff on jute.

The farmers of Florida, Georgia, and the Connecticut Valley asked an increased tariff on wrapper tobacco. The subcommittee that wrote that schedule was composed of the gentleman from Pennsylvania [Mr. ESTEP], the gentleman from Ohio [Mr. KEARNS], and the gentleman from New York [Mr. CROWTHER].

The growers of the filler tobacco in the 5-cent cigars in Ohio, Wisconsin, and Pennsylvania opposed this increased duty on the wrapper tobacco. They said it was not suitable as a good wrapper for a 5-cent cigar. Gentlemen, of the 15 Republicans on the Ways and Means Committee, there are 4 Republicans from the States opposing this increase, and not a single one on there from the two Southern States seeking it. What is the result? No increased tariff.

Let me read you from the report made by the subcommittee, the subcommittee being Mr. ESTEP, Mr. CROWTHER, and Mr. KEARNS. I read from page 62 of the report:

> It is generally conceded that the shade-grown wrapper tobacco of the Connecticut Valley is of a high quality and is used largely on higher-priced cigars manufactured in the United States. Therefore, the major portion of that grade does not enter into competition with the imported Sumatra wrapper for use in the 5-cent cigar industry. * * * Therefore we can safely assume that the Connecticut Valley growers have no serious competition by reason of the importation of the grade of Sumatra used on the 5-cent cigar.
>
> The statement of the Georgia and Florida growers of shade grown as to Sumatra entering into direct competition with their product is in all probability true—

This is the report of the subcommittee:

> Is in all probability true so far as wrappers for class A cigars is concerned. * * * Therefore these producers have but one outlet, the 5-cent cigar industry.

A splendid gentleman from York, Pa., Mr. Brooks, said he represented men who manufactured 600,000,000 5-cent cigars and that 75 to 80 per cent of those cigars were wrapped in these Georgia and Florida wrappers and they were good wrappers and he had had no complaints from his customers.

Let me call your attention again to the fact that the committee itself in its report states that it is probably true that these imported wrappers give serious competition to the wrapper growers of Florida and Georgia.

What is a tariff for? Is it not to protect people from serious competition? These States have no member on the committee. What does the committee report—that Georgia and Florida did not make out their case, and no increase is granted.

There are 10,000 acres planted in growing pimentos in California and Georgia, 5,000 acres in each State. They asked an increase of 1 cent a pound on canned pimento but none was granted, although I am glad to say and thankful that they did clarify the language of the Fordney Act so that the canners of pimentos will at least get the tariff which it was intended for them to have under the Fordney bill.

Peanuts are amply provided for. The tariff rate was not quite as high as I requested in a brief and which I thought exactly equalized the cost of production at home and abroad, but I thank the committee and I say, frankly, I think the tariff they put on is ample and affords full protection, and the rates they put on are exactly the same rates that the President put on by a proclamation raising the rates.

Perishable vegetables are given protection, but the Irish potatoes of Maine were neglected, and I think you have heard something from some very distinguished gentlemen from Maine. They are as regular Republicans as we Georgians are Democrats. They are as regular to the Republican Party as we are to the Democratic Party, but if I mistake not, I heard some dire rumbling from these standpat Maine Republicans if they did not get some tariff on Irish potatoes.

Certain southern sections asked for a tariff on pitch and tar; none was granted.

Casein, an agricultural product, I will not discuss because you are thoroughly familiar with it. It has been amply discussed before the House. Millions of pounds of skimmed milk go to waste. The western farmers requested an increased tariff. The paper manufacturers opposed this increase from 2½ cents to 8 cents. Net result, the paper manufacturers win.

Oh, these manufacturers have a fine record, they are batting about 900 per cent.

Tapioca—there is some tapioca and tapioca flour imported that a tariff might help. The corn (?) farmers were asking for it. Certain interests—I have named them so much I will not name them again—were opposing it. Net result, "Mr. Farmer, you are denied. Mr. Industry, your request is granted; no increase."

But you know the sad part about that is the committee grants an increased duty on corn from 15 to 25 cents and then granted increases on swine, practically none of either ever being imported, and therefore the tariff is ineffectual. The farmers asked for relief and they are given a joker.

Let us now see how some of the natural products of the soil were treated.

Kaolin, bauxite, fuller's earth, and many other clays abounding in the South asked for increased tariffs.

Aluminum is made out of bauxite, and aluminum to-day has one of the highest tariff schedules and is most amply protected, if it is not a monopoly.

The producers of bauxite asked an increase. What is the net result? No increase. But on certain articles manufactured out of bauxite there are some further increases granted in the already high rates, but "Mr. Bauxite Producer, you lose." The same is true of the others.

There are great bodies of manganese ore in Georgia. They sought an increase. The steel industry consumes their product, and I think everybody will agree that steel—I will not spell it—has all the tariff it needs. They opposed this increased tariff on manganese. What is the result? The steel industry wins—no increase.

The producers of graphite, 80 per cent of it imported into the United States, sought an increased tariff. Net result: You may be greatly shocked when I tell you the committee even reduced what they had from 1½ cents to 1¼ cents, when 80 per cent of it is imported.

I am just discussing this farm tariff bill. I am just showing you how this farm tariff bill will be a godsend to the farmers and the consuming public of the United States. Yes; it will not; it will penalize them unconscionably. Oh, what a joke! The farmer "asks for bread and is given a stone."

I will not discuss sugar, for you have heard enough about sugar to thoroughly understand it. Neither will I discuss raw wool. I want both the producer of sugar and wool to be given adequate protection, but in view of everything that we all know about sugar, it seems to me that it would be amply and better protected along the lines suggested by the gentleman from Wisconsin [Mr. FREAR] and not penalize the consumers, the American people, hundreds of millions of dollars. I want the wool grower to have protection, and I think a fair reading of the testimony before the committee will show that a rate of 31 cents, the present rate, is ample protection for the wool grower. I am happy to say my information is the wool growers are prosperous, and I rejoice with them.

What does the bill do? It increases the rate from 31 to 34 cents, and you know how that will affect the price of clothing.

Gentlemen, I honestly believe that if any impartial economists will study the hearings of the Ways and Means Committee on this bill they will reach the conclusion that at least 95 per cent of all the existing tariffs are ample protection if not prohibitory. There are a few items here and there where a few stray manufactured goods find their way into the United States. This is a farm relief tariff bill, to equalize the tariff for the benefit of agriculture. I have pointed out to you some of the great benefits to our industrial manufactures, but this bill

could be properly labeled a bill to plug up the holes and keep out all manufactured goods and make an embargo. That is what it is, in my judgment, but I am no prophet or the son of a prophet.

Let us now consider some of the increased burdens placed upon the consuming public, including agriculturists, by this bill: Household and kitchen utensils, fiber baskets, chairs and other articles of household furniture, surgical instruments, textiles, rope, forks, hoes, rakes, scythes (taken from the free list and made dutiable at 30 per cent), glass and glassware, buttons, sugar, raw wool, lumber, shingles, brick, cement, and thousands of other manufactured articles of necessity, both for home and farm, are given large tariff boosts, and sundry steel products coming under the "basket clause" of the metal schedule are boosted from 40 to 50 per cent. No fair student of the bill can escape the conclusion that, with the increased tariffs granted on manufactured articles, the farmer and consuming public will receive no benefits from the bill; but, on the other hand, will be further penalized by it. I shall not discuss the thousands of paragraphs of the bill in detail, but there are many other items subject to like criticism as those I have dealt with.

As a Democratic member of the committee, I was given no opportunity to assist in the preparation of the bill and never saw it and knew of none of its rates until it was introduced in the House on the 7th of May, and I had no opportunity to thoroughly consider it, as it is most voluminous. An editorial from the Washington Daily News of May 10, 1929, states that the bill revises more than 1,000 rates, practically all upward, less than a hundred of them dealing with agricultural products. In some schedules, the "basket clause," which levies duties on articles not especially enumerated in the schedule, is increased; and these increases in the "basket clause" undoubtedly affect thousands of other articles imported into the United States.

You can not escape the conclusion to save your life that, if this bill becomes a law, for every dollar the farmer may get under the bill he will be penalized $10 by paying higher prices for what he buys. [Applause.]

Do you know who is our best foreign customer for our manufactured goods? Canada. Canada is very much aroused about this duty on shingles and lumber, which they know is aimed at them. I want to corroborate the gentleman from Iowa who said that Mr. Lobdel was one of the best witnesses before the committee on lumber. He knew the business from A to Z, and he opposed any duty on lumber or shingles. But when the bill comes out there is a duty.

Gentlemen, there is one remarkable thing about this proposition. I do not know; I may be suspicious—even evil-minded, though I hope not—but there is one thing that is very noticeable to me. The committee was not concerned about the poor man that had to build a modest home. That did not bother them as to whether he had to pay an increased price for shingles and lumber; but paragraph 1804 of the free list displays a remarkable solicitude for the railroads, telephone, and telegraph companies. Section 1804 reads that railroad ties, telephone poles, and electric-line and telegraph poles of cedar or other wood shall come in free. The farmers asked a tariff on hides, but the shoe manufacturers blasted their hopes. The growers of broomcorn sought tariff protection. Their plea was denied, but the manufacturers of brooms and other brushes were granted a further increase from 15 to 25 per cent tariff. Fresh vegetables, grapefruit, flax, and a few grass seeds were given some tariff increases.

There are many other items in this bill that I could discuss, but I do not want to be burdensome and tire you. I will, however, mention a few good things in the bill for agriculture. It places calcium arsenate and fertilizer ingredients on the free list, at which I am greatly pleased. It grants an increased duty on granite and marble, which is gratifying to me.

Now, I am going to leave this so-called farm tariff bill as to rates. The gentleman from Iowa [Mr. RAMSEYER], a distinguished Republican member of the Ways and Means Committee, condemned it, and I think I have pointed out enough to show you what kind of a farm relief tariff bill it is—one that greatly injures the farmer.

While I object to many of the rates, I am frank to say my principal objection is to certain administrative features. Let me discuss two of them:

Gentlemen, I want to be serious and I would like to have your attention. The tendency of the times is to destroy the form of government contemplated by our forefathers when they wrote the Constitution of the United States, the greatest governmental document ever written by man. That Constitution provided for a dual form of government. Certain rights were reserved to the States to manage their own internal affairs and the Federal Government had only such power as the States voluntarily surrendered to it. The Federal Government was one of three coordinate branches, equal in jurisdiction with the powers and authority of each specially defined, and it was a government of checks and balances. The executive, the judicial, and the legislative each had a check upon the other.

By legislation we are destroying that form of government. Let me call your attention to some of the laws that do that. The Interstate Commerce Commission has destroyed the power of the State public-service commissions to regulate even intrastate rates because, they say, they are connected up with interstate rates. There may be a water-power site in your State, but if it is in any way connected with a stream that by any possibility may be construed as navigable, before it can be developed you must get a license from the Federal Water Power Commission. The Federal Radio Commission controls the air. By bureaus and sumptuary laws, private initiative and the private rights of the American citizens are being destroyed, and private business is domineered and dictated to by Federal bureaus supervised and directed from Washington. The Federal Reserve Board, subject to removal by the President, controls the finances of the Nation, and in 1920 they brought about a deflation which left agriculture prostrate, and only a few weeks ago they used that same power and brought about a deflation in the stock market that reduced the value of securities billions of dollars.

We are now considering and have before us a farm relief bill that creates a farm board, made subservient to the President and removable at will, giving him $500,000,000 as a revolving fund, which gives the Executive tremendous power over the agricultural interests. I confess I voted for that farm bill because of the economic condition of agriculture. I know how they suffer, I know their poverty, I know their need, and I voted for it, but I have reached the limit, and have not you, my colleagues, gone far enough in that direction? Is it not time for this House to call a halt and say that you will not build up one great central Government and confer all colossal power in the Executive? This bill now before us proposes a provision to complete the job. I refer to the flexible clause, and by that the House of Representatives abdicates its power under the Constitution to originate revenue legislation, and surrenders it to the Executive. That flexible clause provides certain formulas to ascertain the valuation of merchandise. It reorganizes the Tariff Commission, does away with its bipartisan personnel, and makes it possible for it to become a partisan commission, responsible only to the President. It gives the commission power to find out in any way it pleases American valuation, competitive valuation, foreign costs, foreign costs plus transportation, plus transportation to some inland community, or to put it on the American valuation. It gives the board plenary power. It provides that when they have found the cost of this merchandise they can make a report to the President, and the President can lower or raise the rate 50 per cent.

In my discussion of these provisions let me say that I do not intend any criticism or reflection upon the President of the United States. I have the greatest respect for President Hoover. I have a real and personal friendly feeling for him. I wish his administration to be a great success. I know him to be an able, efficient, and honest gentleman. What I am saying is not intended as a criticism of him. He is human, and all human beings are influenced by environment, and in a Republic, where government of necessity is by party, we are sometimes unconsciously influenced by political exigencies. I am opposed to giving this power to any President, whether he is Democrat or Republican [applause], but this provision gives the President a right upon that finding to lower or raise the tariff 50 per cent, and under that power he can absolutely destroy any American industry by putting the valuation so low that the tariff would not protect, or he could put it so high as to make an embargo to keep anybody from coming in, even over Doctor Crowther's wall, which he said he wanted so high that if they ever did get in they would fall and break their necks.

Do you know how the present flexible tariff is functioning? It was created in 1922. They have recommended five reductions of the tariff since that time. Let me give you a little bit of the history of that section 315. When the Fordney tariff bill was written conditions in Europe were chaotic and it was conceded by all that no intelligent tariff bill could be written, and so our Republican friends determined to put the rates high enough to do the job, and then this section 315 was inserted with the idea that when the world became normal the President would have the power to reduce the rates and conversely to raise them, if justice to the American interests demanded it. There have been only five reductions under this present flexible tariff since 1922. One of them is a reduction on bobwhite quail imported

from Mexico, with no industry in the United States. Another was a reduction on wheat bran. Another was a reduction on paint-brush handles, and the request for the reduction was made by a very large domestic producer of paint-brush handles who had a factory in Canada, and he asked to have the duty reduced so that he could bring in his brushes from Canada. There was no opposition. The other two were on chemicals. Phenol was one, and I shall not attempt to pronounce the name of the other, but they are produced in enormous quantities in the United States, cheaper than anywhere else in the world. The producers asked that the tariff be reduced and the chemical industry did not object. There have been 35 increases, all on the necessities of life, and, under the leave granted to extend my remarks, I shall attach a complete history of those increases made under the flexible clause of the tariff bill.

Gentlemen, let me read you a little thing I noticed the other day about this flexible clause. This is from the newspaper here, the Washington News, dated two or three days ago. Here are the headlines:

Pennsylvania tries strategy in the fight for tariff bill. Grundy links plea for American valuation with proposal that Hoover be given more power—

You know Mr. Grundy is a very able gentleman. Then this from the body of the article:

Some of the Pennsylvanians feel that they have gained a great victory for this plan already. The administrative features of the new act, they feel, will give them almost everything they want "if it is administered by friends of protection"—which means a President and Tariff Commission committed to the duties Grundy wants.

I will attach the entire article to my speech.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. CRISP. Yes; but I would like to complete.

Mr. SPROUL of Kansas. Very well, then.

Mr. CRISP. Gentlemen, think what a potential power the power to make tariff rates would be in an election year, to let the President of the United States have the right to write a tariff bill! Stop and think about it. Do you think there would be any dearth of campaign contributions?

O gentlemen, you are surrendering your right under the Constitution. Our forefathers fought for that right—the right that the elected Members of the people, the Representatives of the people, should alone have to levy taxes against them. [Applause.] And here you are surrendering it; and when you have surrendered it do not expect that you will get it back soon. If you should surrender this power and should pass a law to repeal it, the President could veto it, and it would take a two-thirds vote of both branches of Congress to override that veto, and it is seldom that either of the two great political parties in our country has a two-thirds vote in both branches of Congress.

O gentlemen, do not let the political exigencies of this case induce you to permit another entering wedge into the shrine of the Government as outlined by our forefathers, under which this Nation has grown and prospered until to-day it is the most powerful, the wealthiest, and most highly respected nation on earth. [Applause.]

It is said that if you have this flexible provision you would take the tariff out of politics. No. You will just be putting it into politics. I think our Republican colleagues have done everything humanly possible in this bill to try to make it partisan and to try to make the Democrats fight it. I think you will agree with me. You gentlemen agree that the basis of taking the tariff out of politics should be logical. Go, therefore, and follow the proposition to the end and surrender all your power. Under the tariff large sums of money are raised to meet the expenditures of the Government. Still larger sums are raised from taxes, income taxes, both individual and corporate. Income-tax rates have been politics. There was as great a propaganda at one time for the Mellon bill income rates as I have known in all my 16 years in Congress. The internal-revenue rates are in politics.

Now, why do you not go to the end and say if the Secretary of the Treasury and the Commissioner of Internal Revenue, after an investigation as to the money or finances in the Treasury and as to whether the present income-tax rates on individuals or corporations are excessive or injurious to business, upon the President receiving and considering their recommendations he is hereby given the right to reduce income taxes or raise them 50 per cent? Is there not just as much logic, is there not just as much truth, is there not just as much justice in that as for you to surrender your right to make the tariff rates, which under the Constitution is vested in Congress?

There is one other provision that I want to mention, and then I shall have done. My beloved friend from Iowa [Mr. RAMSEYER] and I often think alike. He touched on that provision of the bill. I hope he will vote with me on this flexible one. The other provision of the bill to which I object is that which deals with the United States Customs Court. I have no personal interest in the judges of that court. There is but one man there from Georgia, and he is the brother of the distinguished Republican leader in this House, Mr. TILSON. Get that. One of the judges of that court is a full brother of Congressman JOHN Q. TILSON, of Connecticut.

Now what does this bill do? Those gentlemen have been functioning as Federal judges, wearing the ermine, having the respect of the members of the bar that practice before them. So far as I know, their service has been satisfactory as to valuations, tariff duties, their construction of the law, and so forth, both to the Government and to the importers. What does this bill propose to do? It unnecessarily abolishes the court. It makes them just general appraisers. It makes them mere employees of the Treasury Department. And it says that after they have made a finding as to valuations, their acts can be reviewed by the Secretary of the Treasury as to valuations, and the action of the Secretary of the Treasury is conclusive, and that the importer and the American citizen shall have no right to go into the courts of the United States to have their substantial rights adjudicated. The action of the Secretary of the Treasury is binding and final.

Oh, the proponents of the suggestion may say they can appeal on questions of law, an immaterial thing, in these cases. The all-important thing is the valuation. If you fix the value of the merchandise, it does not make much difference about the rate. That procedure denies to the American citizen the right to have the courts pass upon his rights. O my colleagues, is that American? Has not every American citizen the right to have the courts pass on his case, both as to questions of law and of fact? And let me ask you this: Is that not the entering wedge conferring upon the Executive judicial authority?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Chairman, in the absence of the gentleman from Texas, I yield myself five additional minutes. Is not that the entering wedge in conferring upon the Executive judicial authority? Is not that a usurpation of judicial authority by the Executive? It is the entering wedge. If this bill should become a law or should go on the statute books, how do you think the courts of the land would construe that provision giving the Executive part of the judicial function of the Government?

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. MOORE of Virginia. Can the gentleman indicate in a minute or two what reasons appeared which induced the committee to make the change he is now discussing? Had this court abused its power? Had it been dilatory in reaching conclusions or was there any other outstanding fact that seemed to warrant the radical change that is suggested?

Mr. CRISP. I can not answer my friend, the gentleman from Virginia. I sat through all the hearings but there was no reason given there, so far as I know, as to why this should be done. There was a suggestion, however, that the Treasury Department desired final authority to fix valuations as to imported merchandise.

Now, the distinguished gentleman from Iowa let drop here a thing to-day that I had never heard of before, and I know nothing of it now. He said he understood the animus back of this change. I know of no animus. I am not attributing to any of my colleagues of the Ways and Means Committee, for whom personally I have the fondest affection, because I love them all, any improper motives.

I am through, gentlemen. I have tried to present in my feeble way the so-called farm tariff bill to you. If I loved party more than my country, nothing would please me more than to see that this bill should be written into law as it is now written, for it would surely be the Waterloo of the Republican Party, and the Democrats would be restored to power. [Applause.] But thank God, my colleagues, I love my country a million times more than I do my party. My country's welfare to me is far superior to the welfare of my party, and, therefore, I hope this bill will not become a law, and I have not the slightest idea it will, because when it gets back from the Senate its authors will not recognize it. [Applause.]

Under leave granted me, I extend my remarks by inserting an article from the Washington Daily Times and a list of reports by the Tariff Commission to the President, recommending increased tariffs under section 315 of the Fordney Act.

PENNSYLVANIAN TRIES STRATEGY IN FIGHT FOR TARIFF BILL—GRUNDY LINKS PLEA FOR AMERICAN VALUATION WITH PROPOSAL THAT HOOVER BE GIVEN MORE POWER

Industrial interests, led by Joseph R. Grundy, protectionist from Pennsylvania, to-day resorted to strategy in their maneuver to write a provision for American valuation into the 1929 tariff bill.

The Grundy group linked this demand with the Tariff Commission's proposals for giving the President greater authority in the administration of the flexible tariff clauses of the bill. The latter suggestion was submitted to the House Ways and Means Committee some time ago, admittedly with the support of the administration, but it was rejected by the committee.

WOULD BROADEN POWERS

The commission's program would have empowered the President to change rates by more than the present 50 per cent, to remove commodities from the free to the dutiable list, and to use American selling costs of foreign goods as the basis for tariff increases. The latter proposal, under certain conditions, would amount to establishment of the American system of valuation.

These same recommendations, with some revisions, were outlined to-day by John E. Edgerton, president of the National Association of Manufacturers, as the demands which "the nationally organized manufacturers" will present to Congress in the coming fight. It is understood the Protective Producers' Congress, to be organized by Grundy for the tariff clash of the next few months, will campaign along the same lines.

WILL SEE PRESIDENT

It is understood to be the hope of the industrial representatives, which will use the large Pennsylvania delegation as their shock troops in the floor debate, to win support for the American valuation scheme by making it appear to be a part of the President's program. Edgerton arrived here over the week-end as a reinforcement for the battle and immediately announced he had an appointment with the President, although he made clear his engagement at the White House "had nothing to do with the subject of tariff."

Though prospects of adoption of the Grundy code seem slim, he has marshaled his lines in both House and Senate. Behind all the Pennsylvania protests on pig iron lies their demand for a change in the rating system. For the American valuation would boost rates from 50 to 100 per cent in many instances, without requiring an increase in the rates themselves.

CLAIM BIG VICTORY

Some of the Pennsylvanians feel that they have gained a great victory for this plan already. The administrative features of the new tariff act, they feel, will give them almost everything they want, "if it is administered by friends of protection"—which means a President and Tariff Commission committed to the duties Grundy wants.

But this provision becomes effective only when it is impossible to ascertain foreign production costs by examination of books and records abroad. It is pointed out, however, that a Tariff Commission could easily consider any foreign examination unsatisfactory and incomplete, and ask the President to adopt the plan of comparing selling prices between the foreign and the domestic commodity.

List of reports by the Tariff Commission to the President under the provisions of section 315 of the tariff act of 1922 with respect to articles upon which no changes in duties have been proclaimed.

Casein: The report stated that the commission was not able, with the data available, to make definite findings.

Wall pockets: The report stated that the commission was not able, with the data available, to make definite findings.

Sugar: On June 15, 1925, the President stated that after full consideration of the facts shown in reports of the members of the Tariff Commission he did not find that differences in costs of production were sufficiently established under present conditions to warrant any change from the present duty.

Cotton warp-knit fabric, gloves of cotton warp-knit fabric: On October 3, 1925, the President stated that under the circumstances applying to the industry he did not feel warranted at that time in increasing the duty.

Linseed oil: The report was returned to the commission with request for additional information.

Cotton hosiery: Report under consideration by the President.

Halibut: Report under consideration by the President.

Logs of fir, spruce, cedar, or western hemlock: Report under consideration by the President.

Maple sugar and maple sirup: Report under consideration by the President.

Granite: Report under consideration by the President.

Oriental rugs: Investigation discontinued.

Corn: Report under consideration by the President.

Milk and cream: Report under consideration by the President.

Canned tomatoes and tomato paste: Report under consideration by the President.

Window glass: Report under consideration by the President.

List of subjects with respect to which the President has proclaimed changes in duties, under the provisions of section 315 of the tariff act of 1922

Article	Change in duty	Date of proclamation	Effective date of change
Wheat	Increased from 30 cents to 42 cents per bushel (60 pounds)	Mar. 7, 1924	Apr. 6, 1924
Flour, semolina, etc.	Increased from 78 cents to $1.04 per 100 pounds		
Millfeeds, bran, etc.	Decreased from 15 per cent to 7½ per cent ad valorem		
Sodium nitrite	Increased from 3 cents to 4½ cents per pound	May 6, 1924	June 5, 1924
Barium dioxide	Increased from 4 cents to 6 cents per pound	May 19, 1924	June 18, 1924
Diethylbarbituric acid (veronal)	Increased—duty (25 per cent ad valorem) transferred to American selling price	Nov. 14, 1924	Nov. 29, 1924
Oxalic acid	Increased from 4 cents to 6 cents per pound	Dec. 29, 1924	Jan. 28, 1925
Potassium chlorate	Increased from 1½ cents to 2¼ cents per pound	Apr. 11, 1925	May 11, 1925
Bob white quail	Decreased from 50 cents to 25 cents each (valued at $5 or less each)	Oct. 3, 1925	Nov. 2, 1925
Taximeters	Increased from $3 each plus 45 per cent ad valorem on foreign value to $3 each plus 27.1 per cent on American selling value.	Dec. 12, 1925	Dec. 27, 1925
Men's sewed straw hats	Increased from 60 per cent ad valorem to 88 per cent ad valorem on hats valued at $9.50 or less per dozen.	Feb. 12, 1926	Mar. 14, 1926
Butter	Increased from 8 cents to 12 cents per pound	Mar. 6, 1926	Apr. 5, 1926
Print rollers	Increased from 60 per cent ad valorem to 72 per cent ad valorem	June 21, 1926	July 21, 1926
Paint-brush handles	Decreased from 33⅓ per cent ad valorem to 16⅔ per cent ad valorem	Oct. 14, 1926	Nov. 13, 1926
Methanol (methyl or wood alcohol)	Increased from 12 cents to 18 cents a gallon	Nov. 27, 1926	Dec. 27, 1926
Gold leaf	Increased from 55 cents to 82½ cents per 100 on leaves not exceeding in size 3⅜ by 3⅜ inches and on larger leaves in proportion.	Feb. 23, 1927	Mar. 25, 1927
Pig iron	Increased from 75 cents to $1.12½ per ton	Feb. 23, 1927	Do.
Emmenthaler type Swiss cheese	Increased from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem.	June 8, 1927	July 8, 1927
Cresylic acid	Decreased from 40 per cent ad valorem and 7 cents per pound based on American selling price to 20 per cent ad valorem and 3½ cents per pound based on American selling price.	July 20, 1927	Aug. 19, 1927
Phenol	Decreased from 40 per cent ad valorem and 7 cents per pound based on American selling price to 20 per cent ad valorem and 3½ cents per pound based on American selling price.	Oct. 31, 1927	Nov. 30, 1927
Crude magnesite	Increased from five-sixteenths of 1 cent per pound to fifteen thirty-seconds of 1 cent per pound.	Nov. 10, 1927	Dec. 10, 1927
Caustic calcined magnesite	Increased from five-eighths of 1 cent per pound to fifteen-sixteenths of 1 cent per pound.		
Cherries, sulphured, or in brine, stemmed or pitted	Increased from 2 cents to 3 cents per pound	Dec. 3, 1927	Jan. 2, 1928
Rag rugs, cotton (hit-and-miss type)	Increased, duty (35 per cent ad valorem) transferred to American selling price	Feb. 13, 1928	Feb. 28, 1928
Barium carbonate, precipitated	Increased from 1 cent to 1½ cents per pound	Mar. 26, 1928	Apr. 25, 1928
Sodium silicofluoride	Increased, duty (25 per cent ad valorem) transferred to American selling price	Aug. 31, 1928	Sept. 15, 1928
Fluorspar	Increased from $5.60 per ton to $8.40 per ton on fluorspar containing not more than 93 per cent of calcium fluoride.	Oct. 17, 1928	Nov. 16, 1928
Potassium permanganate	Increased from 4 cents to 6 cents per pound	Nov. 16, 1928	Dec. 16, 1928
Onions	Increased from 1 cent to 1½ cents per pound	Dec. 22, 1928	Jan. 21, 1929
Cast polished plate glass, finished or unfinished, and unsilvered.	Increased from 12½ cents to 16 cents per square foot on sizes not exceeding 384 square inches; 15 cents to 19 cents per square foot on sizes above 384 square inches and not exceeding 720 square inches; 17½ cents to 22 cents per square foot on sizes above 720 square inches.	Jan. 17, 1929	Feb. 16, 1929
Peanuts, not shelled and shelled	Increased from 3 cents to 4¼ cents per pound on peanuts, not shelled; 4 cents to 6 cents per pound on peanuts, shelled.	Jan. 19, 1929	Feb. 18, 1929
Whole eggs, egg yolk, and egg albumen; frozen or otherwise prepared or preserved, and not specially provided for.	Increased from 6 cents to 7½ cents per pound	Feb. 20, 1929	Mar. 22, 1929

Mr. CRISP. Yesterday, May 14, President Hoover by proclamation made the following tariff increases:

On flaxseed, from 40 cents a bushel, by 16 cents to 56 cents a bushel.

On milk, from 2½ cents a gallon to 3¾ cents a gallon.

On cream, from 20 cents a gallon to 30 cents a gallon.

On window glass, increases varying from five-eighths cent per pound to 1½ cents per pound, depending upon size.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to insert with what I shall say certain tables.

The CHAIRMAN. The gentleman has the right to revise and extend. The gentleman from Massachusetts asks unanimous consent to insert with his remarks certain tables. Is there objection?

There was no objection.

Mr. ANDREW. Mr. Chairman, ladies and gentlemen of the committee, I want to speak about two great American industries whose continuance in this country is menaced if we do not offer them protection in this bill—the tannery or leather business and the manufacture of shoes. Both are long-established industries which from their earliest beginnings had enjoyed interruptedly the benefits of protection, until that protection was summarily removed by the Democratic administration in 1913. Neither of these industries—neither the tanners nor the shoe workers—were immediately affected by the withdrawal of protection, for the World War intervened, eliminating all possibility of foreign competition, and greatly enlarging the foreign demand for their products. But after the war ended, as European countries slowly recovered their normal economic life, there happened to the American tanneries and shoe factories what happened to so many of the branches of American agriculture. The foreign market fell off. Their output exceeded the demand. Their investments of capital declined in value. Many of them were plunged into bankruptcy and unemployment. And finally something worse happened—recovered Europe adopting American methods and machinery, with a wage scale a third or a quarter of our own, began to compete with the American producers in our own market.

I want to show you why protection must be restored to both of these industries—the protection which had been granted them for so many decades before the war.

THE TANNING INDUSTRY

First of all, let me outline to you what has happened to the tanning or leather industry, a widely scattered enterprise with centers not only in Massachusetts, but in Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, and New York. Ever since the war ended, the leather industry has passed through a ruinous period of contraction and liquidation. During the last eight years the value of the output of this industry has been cut in half. In 1919 we produced leather valued at $929,000,000. Last year it totaled only $495,000,000. In 1919 there were 680 tanneries in the United States. In 1927 they numbered only 494. The number of wage earners—and that, after all, is the most significant test of an industry's rise or fall—fell from 72,476 in 1919 to 53,047 in 1927. (Tariff Information, p. 2405.)

Take my own State of Massachusetts. The number of tanneries has decreased during the same nine years from 131 to 115. The finished product has shrunk from $129,000,000 to $77,000,000. The wage earners have dropped off from 15,000 to 10,000. I will insert in the RECORD a table showing, month by month since 1919, the decline of employment in this industry in Massachusetts.

Gentlemen, all of this has taken place during years of great growth and unprecedented prosperity in most other industries. While other businesses have been expanding, the tanning industry has been declining. Thousands and thousands of men have been thrown out of work. Thousands of others have been working only part time. Thousands of families dependent upon the tanneries have been obliged to sell their homes, to move into poorer quarters, to live on a lower standard, while those about them are enjoying ever greater and greater comforts.

This may have been in part due to a diminution in the consumption of leather, but not wholly so. For while the domestic production has been dwindling in this country foreign tanners have gone on selling increasing amounts of leather to the United States. To-day their sales are greater by 400 per cent than they were only a few years ago. As recently as 1921 the total imports of leather were valued at only about $8,000,000, but in 1928 they amounted to more than $42,000,000.

THE CALF-LEATHER INDUSTRY

If there were time, I should like to direct your attention particularly to the calf-leather industry, one of the important branches of the tanning business, which is of particular concern to the people whom I represent. Year after year since the war the calf-leather tanneries have been running at a lower and lower percentage of capacity. Some of their owners have closed down altogether and have moved elsewhere to start life anew. Others have held on, hoping against hope that sooner or later there would be another session of the tariff when Congress would give them much-needed relief. Many of their skilled workmen have had to quit the occupations of a lifetime and seek employment in other lines of work wherever they could.

Yet as the home business has declined the tide of foreign calf leather has risen higher and higher. It has risen since 1923 from less than 9,000,000 square feet per year to more than 54,000,000. In 1923 the imports amounted to about 6 per cent of the domestic production. To-day they are about 41 per cent.

COMPETITIVE WAGE SCALE

If you want to know the reason why, it is to be found in the lower wage scales prevailing in Europe—relatively lower to-day than they were before the war because of the revalorization of their currency and the fact that wages have not risen to the same extent that their monetary standards have been debased. Take France as an example, where the value of the currency unit has been cut down to one-fifth of its former level. Wages have not yet, and may not for years, reach the pre-war level in gold. I received only to-day a letter from a correspondent who knows Europe and has studied their particular situation. He writes:

> It is no secret why Europe can undersell us on leather and shoes. I will take only one town for instance, Graulhet, in France, a town that has over 40 leather factories, some of them very large and modern, much better plants than the average in this country. I was told by one of the leading manufacturers there, on one of my visits, the highest labor he had for 59 hours a week was $6 per week, with 70 per cent of the labor women at $4.50 per week, and some of these people walked in in the morning from a distance of three to eight miles and back at night.

In a report by the Tariff Commission to the Department of Commerce, which is comprised in Senate Document 198 of the Sixty-eighth Congress, second session, and is dated 1925, there is a table which shows the percentage that the average wage among male workers in the calfskin industry in particular countries bears to the wage of similar workers in the United States:

	Per cent
Austria	30.13
Belgium	24.60
Czechoslovakia	25.40
England	55.38
France	27.77
Germany	33.79
Luxemburg	33.53
Scotland	67.83

From the beginning of the tanning industry in the forties of the last century until the tariff act of 1913 this industry was protected in the United States by a duty of 15 or 20 per cent. The industry grew up under the policy of protection. It only asks that that protection be restored. I understand that every other country in the world, except Holland and Great Britain, has a duty on leather. In Canada there is a protective duty of 15 per cent against leather coming from foreign countries, and even a 12½ per cent duty against leather coming in from England, the mother country. I received a letter recently from a tanner in my district who a few years ago established a large plant in Canada, and this is what he writes:

> In Canada we felt that we will always be protected by a duty, so have continued to expand until we have invested there hundreds of thousands of dollars, with 10 times the floor space we have in the United States and what we believe to be the finest tannery on the American Continent, and we believe that our money is safe there, for the reason that Ottawa has always given us the assurance that industry in Canada would be protected.

Surely we can do for our leather workers what the other countries of the world are doing for theirs. If not, we are following a strangely un-American policy.

THE SHOE INDUSTRY

The other industry to which I want to direct your attention, the shoe industry, was also safeguarded by a protective tariff from the very beginning of its history until the Underwood Act of 1913. Like the tanners, the shoe manufacturers got along very well during the war period and have only felt the effect of free importations in recent years. I want particularly to ask your consideration of the plight of those engaged in making women's shoes. In my part of the country this is perhaps

the most important industry, involving many tens of thousands of workers. These people are confronted with a situation already intensely serious and an outlook that may fairly be described as desperate.

Taking the shoe and shoe-stock industry as a whole in Massachusetts, the number of firms diminished between 1919 and 1927 from 929 to 862, the wage earners lessened from 90,000 to 63,000, wages diminished from $99,000,000 to $74,000,000, and the value of the product tumbled from $578,000,000 to $321,000,000. And since 1927 the decline of the industry has been going on at a much more rapid pace. I can not give you exact figures for the last 15 months. Every few days, however, I hear of another shoe firm that has gone to the wall. I shall place in the RECORD a table prepared by the Massachusetts Department of Labor and Industries which tells the story of the decline of employment in this industry up to 1927. That is bad enough, but the story of the last 15 months is far worse. I am told that the shoe workers in the single city of Haverhill have been reduced in that time from 12,000 to 8,000. I wish that it were possible for you to read some of the letters I have received in recent months from some of the workers and the wives of workers in the shoe factories of Haverhill, Newburyport, Beverly, and Salem, those famous old cities, from which ships once carried their commerce to all corners of the earth. If you could know of their distress and their anxiety about the future, and how the situation of some of these communtiies has changed, I am sure that you would feel that they are entitled to at least as much consideration as the makers of automobiles and steel products and the growers of sugar beets, and the many other groups of workers who are given increased protection in this bill.

IMPORTS OF SHOES

While the industry has been declining at home, let me show you what has been happening to our import trade. In 1923 there were imported 115,000 pairs of women's shoes. Last year the imports had reached 2,018,000 pairs, an increase of more than 1,650 per cent in five years, and during the first three months of this year the imports of women's shoes were more than double those of the first three months of a year ago.

Imports of women's shoes

	Pairs
1923	115,110
1924	264,762
1925	272,937
1926	484,895
1927	982,220
1928	2,018,269
January, 1929	372,029
February, 1929	442,672
March, 1929	587,683
3 months, 1929	1,402,384

If the same rate continues during the present year, the imports will aggregate more than 6,000,000 pairs, and if this rate of increase continues for another decade, the manufacture at least of the principal grades of women's shoes will be extinct in the United States.

Most of these shoes are coming from Czechoslovakia. Five years ago, in 1923, less than 500 pairs were imported into the United States from Czechoslovakia and last year there were 1,415,143. The numbers are increasing by leaps and bounds month after month. They are coming in now at the rate of 15,000 pairs every day, and in the single month of March, more than 434,000 pairs of women's shoes came into the United States from Czechoslovakia. There is one firm in that country which is said to be making 100,000 pairs a day, and it pays weekly wages only a quarter of what our factories pay, and its employees, I am told, work 10 hours per day six days in the week.

Imports of women's shoes from Czechoslovakia

	Pairs
1923	447
1926	174,262
1927	547,998
1928	1,507,586
January, 1929	305,867
February, 1929	351,531
March, 1929	434,943
3 months, 1929	1,092,341

It is not only from Czechoslovakia, however, that our women's shoe industry is menaced. The imports from Austria and France and other countries are also mounting swiftly.

Imports of women's shoes from France and Austria

FRANCE

	Pairs
1927	169,733
1928	219,672
January, 1929	24,634
February, 1929	44,773
March, 1929	49,255
3 months, 1929	118,662

AUSTRIA

	Pairs
1927	56,047
1928	131,564
January, 1929	12,883
February, 1929	15,113
March, 1929	50,177
3 months, 1929	78,173

Up to the present time the imports of men's shoes have not reached important dimensions. But with a wage scale a third or a quarter of our own, these countries which compete so seriously in our markets for women's shoes are beginning also to compete in the men's field. The importation of leather shoes for men and boys from Czechoslovakia has not yet reached large proportions, but it increased from 10,329 pairs in 1927 to 52,245 pairs in 1928, or more than 500 per cent, and of children's shoes from 15,722 pairs to 40,098 pairs, or nearly 300 per cent.

Is it any wonder that our shoe manufacturers are alarmed when they find that the bill now before Congress makes no provision for them? They turn to President Hoover's declaration at the opening of Congress, when he called attention to the fact that "there have been economic shifts necessitating a readjustment of some of the tariff schedules," and they note that he added that—

> the test of necessity for revision is, in the main, whether there has been a substantial slackening of activity in an industry during the past few years and a consequent decrease of employment due to insurmountable competition in the products of that industry.

They feel—and I agree with them—that if there is any industry in the United States to which these words are applicable it is their own. There has been a vast "slackening of activity" in the women's shoe industry and "a consequent decrease of employment." And no one familiar with the facts or who understands the figures which I have presented can doubt that it is "due to insurmountable competition."

Mr. Chairman, the bill was prepared for one purpose, and one purpose only. Though technically a revenue measure, no such measure was necessary to provide revenue. No one knows whether it will produce more or less revenue. No one is concerned whether it does or not. The only object of the bill is to provide protection for agriculture and for industries that need it. The tanneries and the women's shoe manufacturers need such protection, and they need it desperately. If this Congress does not provide it we shall have lamentably failed in the fulfillment of our obligations.

It is safe to say that after this bill is enacted into law there is small likelihood of any further tariff legislation for many years. Our failure to-day to give these industries any duty means, therefore, that they will have nothing whatever to hope for during another decade.

THE FLEXIBLE CLAUSE

The act of 1922 provided and the present bill continues a method of relief for industries on the dutiable list that may be menaced by changing competitive conditions abroad. Under section 315 of the existing law, the President was given power within limits to increase or decrease rates of duty, when after investigation, it appeared that American industries were jeopardized by varying conditions in competing countries. In more than a score of instances the President has exercised this power so as to offer increased protection to industries confronted with unexpectedly increasing foreign competition. This grant of authority is continued and enlarged in the bill before us. I believe that it should have been extended to articles on the free list—that it would have been wise to do so. But the bill still restricts its benefits to articles already on the dutiable list, and neither of the great industries whose situation I have described, and which are so obviously menaced by changing foreign competition comes within the scope of the President's authority. I appeal, therefore, to your sympathies, and to your sense of fairness and justice, to give these people at least enough protection to bring them within the purview of the flexible clause. If you do not do so, you will probably sound their knell as shoe and leather workers.

I have great respect for the judgment of the committee which framed this bill, and I feel inclined to follow the recommendations which they have made after four months of hearings and conferences and investigations. In regard to the two industries which I have been discussing, I should also feel inclined to follow their unimpeded judgment. If we could have the bill in the form in which they originally voted it, on the basis of their own deliberate opinion, with the duties which a majority of the committee, as a result of their long study felt to be fair and just, those who depend on these industries would have no further ground for fear. [Applause.] The errors of the Underwood tariff would be corrected, and we should return to the policy which the Republican Party had always followed

theretofore. I ask you to extend a helping hand to the tanners and shoe workers, especially to those who make women's shoes, who desperately need it now, and who, unless such help is granted soon, face utter ruin. [Applause.]

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. DOUGLASS of Massachusetts. What kind of shoes come from Czechoslovakia?

Mr. ANDREW. They are women's shoes of the McKay model. They are made by American machinery, by one firm, which is turning out 100,000 pairs every day.

Mr. SPROUL of Kansas. Is it an American firm?

Mr. ANDREW. No; it is a Czechoslovak firm; but they use American machinery and American methods. Mr. Bata, who is the owner of the business, came over to Lynn some 10 years ago with a group of workmen and learned the methods of manufacturing shoes. He then bought American machinery, and he now has what is probably the largest shoe-making plant in the world.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. STAFFORD. Has the gentleman any figures as to the importation of men's shoes?

Mr. ANDREW. Up to the present time the importation of men's shoes has not reached in numbers anything like the importation of women's shoes, but nevertheless the increase in percentage is very large in the last two years.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. ANDREW. I want to say as to men's shoes coming from Czechoslovakia, they increased from 10,000 pairs in 1927 to 52,000 pairs in 1928, an increase of 500 per cent in a single year. So there is little doubt that with the lower scale of wages prevailing in that country, one-third or one-fourth of our own, it is only a question of time when they may produce and send to this country a vast amount of men's shoes.

Mr. DOUGLASS of Massachusetts. May I also ask what grade of shoes are these women's shoes?

Mr. ANDREW. They are what are called the cheaper and medium shoes, made by the McKay process, the types produced and bought in the largest quantities.

Gentlemen, I want to say just one other thing. Unless we give some protection in this bill to these sorely distressed industries there is little hope for them in the future. As you know, the flexible clause in the tariff law, which was designed to offer some recourse for industries subjected to changed conditions of foreign competition, applies only to dutiable goods. I have always hoped this might be extended so that it would be made applicable to articles on the free list. Then, in case of changing conditions of production the President might, after investigation, offer such relief as might be found necessary to an industry that was menaced with extinction; but this has not been done, and if there is not in the present tariff bill some duty placed upon leather and shoes, I think it is safe to say that in another decade the women's shoe business will be extinct in this country, and the calf-leather business as well. All I would ask is that the committee should do for these industries what they obviously intended to do when they first prepared the bill and first voted upon it, and if they will do that, and use their unimpeded judgment in this case, these two industries will be safely looked after and their future assured. [Applause.]

With the permission granted me I shall insert the following tables showing imports of shoes and conditions of employment in Massachusetts to which I have alluded, as well as the appeals of the governor and the legislature of the Commonwealth.

TABLE 1.—*Imports of leather boots and shoes, exclusive of slippers and athletic footwear*

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

	Pairs boots and shoes				
	Men's and boys'	Women's	Children's	Total	Total value
1921	73,190	28,281	89,060	190,531	$591,447
1922	134,501	47,973	17,264	199,738	753,703
1923	205,664	115,119	77,146	398,929	1,246,176
1924	276,156	264,762	45,771	586,689	1,995,252
1925	310,269	272,937	231,437	814,643	2,429,374
1926	233,787	484,895	351,059	1,069,741	3,380,972
1927	305,370	982,220	188,845	1,477,435	5,199,656
1928	395,825	2,018,269	202,790	2,616,884	8,254,224

TABLE 2.—*Principal countries of origin of leather boots and shoes imported in 1927 and 1928*

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

	Men's and boys'	Women's	Children's	Total
Czechoslovakia:	*Pairs*	*Pairs*	*Pairs*	*Pairs*
1927	10,329	521,947	15,722	547,998
1928	52,245	1,415,143	40,098	1,507,486
United Kingdom:				
1927	220,213	27,728	8,667	256,608
1928	249,338	39,275	8,358	296,971
Switzerland:				
1927	7,301	127,778	131,373	266,452
1928	102	124,864	130,191	255,157
France:				
1927	4,142	169,733	11,702	185,577
1928	8,981	219,672	7,938	236,591
Austria:				
1927	5,554	56,047	6,494	68,095
1928	6,396	131,564	1,492	139,452
Germany:				
1927	4,405	46,224	12,724	63,353
1928	3,730	59,106	12,074	74,910
Canada:				
1927	46,567	7,596	42	54,205
1928	65,761	15,660	1,950	83,371
Other countries:				
1927	7,859	25,167	2,121	35,147
1928	9,272	12,985	689	22,946

TABLE 3.—*United States imports of leather boots and shoes (free) first three months*

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

	1928		1929	
	Pairs	Value	Pairs	Value
Men's and boys':				
January	17,113	$84,023	29,972	$163,869
February	24,324	135,577	32,385	173,973
March	33,141	185,422	42,251	244,036
Total	74,578	405,022	104,608	581,878
Women's:				
January	126,392	366,986	372,029	981,752
February	206,874	601,502	442,672	1,223,151
March	269,432	768,026	587,683	1,610,427
Total	602,698	1,736,514	1,402,384	3,815,330
Children's:				
January	19,477	39,374	22,530	52,368
February	43,863	101,600	31,948	58,364
March	14,352	33,263	30,561	83,974
Total	77,692	174,237	85,039	194,706
Total:				
January	162,982	490,383	424,531	1,197,989
February	275,061	838,679	507,005	1,455,488
March	316,925	986,711	660,495	1,938,437
Total	754,968	2,315,773	1,592,031	4,591,914

TABLE 4.—*Index numbers of employment in Massachusetts industries 1919–1929, by months*

[Base 100.0=average number employed, five years, 1919–1923. Figures furnished by Massachusetts Department of Labor and Industries]

LEATHER, TANNED, CURRIED, AND FINISHED

Month	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929
January	117.8	142.3	58.3	88.8	98.5	96.9	93.0	86.2	90.5	87.8	76.7
February	117.6	137.2	67.6	90.6	102.5	100.0	95.1	88.5	91.2	88.8	79.0
March	115.4	130.5	69.4	88.9	102.2	99.8	96.3	89.2	90.1	89.7	81.2
April	115.9	126.6	67.5	88.3	100.9	95.5	89.8	85.6	86.6	84.7	----
May	122.0	119.9	73.8	86.0	98.5	92.0	86.9	82.1	84.8	84.2	----
June	129.0	109.0	82.3	84.4	95.7	88.5	84.1	78.6	84.3	81.3	----
July	112.4	99.4	83.9	87.4	93.7	86.0	82.6	79.9	84.7	81.4	----
August	138.8	91.5	83.5	93.6	95.7	90.1	85.6	85.8	87.5	82.7	----
September	142.0	85.5	84.9	95.3	95.0	92.7	87.8	91.9	89.9	83.1	----
October	142.5	82.2	84.0	98.0	94.3	94.2	89.7	93.5	92.3	83.8	----
November	145.1	73.7	83.9	100.2	94.5	93.1	86.7	91.3	91.2	79.4	----
December	147.5	68.5	81.5	99.5	93.3	92.4	85.5	90.4	88.6	75.8	----
Average for year	128.8	105.6	76.7	91.8	97.1	93.4	88.6	86.9	88.5	83.6	----

BOOTS AND SHOES, INCLUDING CUT STOCK AND FINDINGS

January	111.3	123.7	67.9	93.4	100.6	89.3	81.3	82.6	83.1	68.9	67.3
February	112.5	121.8	81.3	100.5	107.5	95.5	86.3	87.7	85.1	73.2	71.8
March	112.8	122.6	89.4	102.7	108.1	96.8	89.2	89.3	84.8	74.0	70.4
April	110.7	119.5	93.0	99.5	104.1	93.1	84.1	85.3	79.1	68.5	----
May	111.3	116.5	94.8	93.7	100.9	87.4	78.0	84.5	75.4	64.2	----
June	111.8	101.2	93.6	90.3	90.0	77.1	70.1	81.0	68.5	56.6	----

TABLE 4.—*Index numbers of employment in Massachusetts industries 1919–1929, by months*—Continued

BOOTS AND SHOES, INCLUDING CUT STOCK AND FINDINGS—continued

Month	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929
July	114.0	86.9	93.1	94.0	89.7	78.4	77.7	83.5	76.6	64.7	----
August	116.2	84.5	98.5	99.6	98.2	88.4	85.6	88.9	80.0	70.1	----
September	117.3	79.8	98.7	103.0	100.7	92.2	87.3	92.0	79.4	71.8	----
October	118.7	78.8	95.1	103.7	99.4	93.1	85.9	91.9	77.8	71.1	----
November	121.8	74.5	88.2	103.4	90.5	86.9	80.2	85.0	72.3	67.8	----
December	124.6	69.6	87.6	101.3	80.6	81.8	76.5	78.4	62.8	64.4	----
Average for year	115.3	98.4	90.1	98.7	97.5	88.3	81.8	85.8	77.1	67.9	----

Resolution unanimously adopted by both houses of the Massachusetts General Court (State legislature) May 9, 1929:

Whereas it appears that the tariff revision bill as reported by the Ways and Means Committee of the Congress of the United States on May 7 fails to accord to the shoe and leather industries of this Commonwealth any tariff protection, notwithstanding the fact that these important industries are keenly suffering from the handicap of competition resulting from European standards of wages and living, thus placing in serious jeopardy the welfare of these major industries; and

Whereas it is highly essential that Massachusetts wage earners should receive the same degree of tariff protection against the influx of foreign products that is accorded other lines of industry: Therefore be it

Ordered, That the General Court of Massachusetts respectfully represent to Congress and the President of the United States the necessity of amending said tariff bill in order that said industries be preserved and the American standard of living for the welfare of those engaged therein be maintained; and be it further

Ordered, That copies of this order be forwarded forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officers of both branches of Congress, and to the Members thereof representing this Commonwealth.

Message to President Hoover of His Excellency the Governor of Massachusetts, May 10, 1929:

If legislation is not passed by the present Congress providing tariff protection for shoes and leather, one of the principal industries in Massachusetts will be placed in grave jeopardy. In 1927 the value of boots and shoes, including cut stock and findings, manufactured in Massachusetts amounted to $321,640,706. During the same period the value of leather manufactured in this Commonwealth amounted to $77,649,457.

The welfare of the people of Massachusetts will be seriously affected unless adequate protection is provided for these commodities. Massachusetts wage earners and manufacturers feel keenly that adequate protection should be afforded to an industry upon which so many of our people depend for their livelihood. As the chief executive of this Commonwealth I strongly urge the imperative necessity of providing in the pending tariff bill a duty sufficient to preserve two of our principal industries and enable the maintenance of the American standard of living for the wage earners employed therein.

FRANK F. ALLEN, *Governor*.

Mr. CRISP. Mr. Chairman, at the request of the gentleman from Texas [Mr. GARNER] I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and Members of the House, Jeremy Bentham, in his Book of Fallacies, enumerates a large number of maxims, sayings, aphorisms, proverbs, conclusions, and formulas that at first glance appear plausible and which have been quite generally accepted, but which on closer examination are found to be illogical, erroneous, and obviously fallacious. The versatile Sidney Smith, one of the founders and the first editor of the Edinburgh Review, in a review of this posthumous work of Mr. Bentham said:

There are a vast number of absurd and mischievous fallacies, which pass readily in the world for sense and virtue, while in truth they tend only to fortify error and encourage crime.

And may I add that a lie believed has the same psychological effect as the truth. Error if long indulged and unchallenged comes in time to be accepted as truth. A false philosophy if its sophistry be not exposed may soon be accepted as genuine by those who do not investigate for themselves and who are prone to accept the statements and conclusions of others in reference to matters with which they have no close familiarity. Some one, some time, somewhere advanced an argument, formulated a maxim, or announced a theory which the unthinking public accepted without subjecting it to the acid test of logic, reason, and common sense, and once accepted its accuracy may go unchallenged for years. There are fallacies in religion, science, philosophy, sociology, business, and politics, in which much error is cunningly mingled with a little truth. In every sphere of human activity fallacies flourish on every hand and error in the garb of reason stubbornly contends with truth for the mastery of the world. Every generation explodes old fallacies and incubates new ones. No one familiar with the political history of the American people will deny that skillfully fashioned fallacies have often influenced legislation and dominated the political and economic life of the Nation. It is not strange that men and multitudes are wedded to some dear falsehood when we consider that nearly every false philosophy has some admixture of truth. Fallacies thrive in the same soil that nurtures truth, just as tares and wheat grow side by side. Our form of government furnishes a fertile soil for the incubation of fallacies and false systems of political philosophy. Mr. Jefferson in one of his inaugural addresses recognized this situation when he said:

Error of opinion may be tolerated where reason is left free to combat it.

There are some fallacies that have been propagated and nurtured by the Republican Party in reference to high tariff laws. These false claims and illogical arguments have been so long and so persistently pressed that many well-meaning individuals have, without investigation, accepted these delusions as sound and axiomatic. The industrial classes have been able to fasten an exceedingly burdensome system of high-tariff taxes on the American people by false reasoning, subtle sophistry, and numerous fallacies, a few of which I now propose to examine and refute.

The following fallacies and false claims are generally urged by our Republican friends in support of their action in everlastingly boosting tariff rates:

Fallacy I. The foreigner pays the tariff, and tariff taxes do not increase the price of the imported article to the consumer.

Fallacy II. High tariffs do not increase the price to the consumer of American-made products.

Fallacy III. The farmer is protected by the tariff.

Fallacy IV. High wages in the United States are the result of high tariffs.

Fallacy V. High tariffs are necessary to develop and protect our infant industries.

Fallacy VI. Protective tariffs cheapen the price to American consumers of commodities produced in American factories.

I propose now to examine these fallacies and show that these so-called reasons are unsound and not supported by reason or experience.

FALLACY I. THE FOREIGNER PAYS THE TARIFF

For several decades the advocates of high-tariff taxes argued vehemently that the tariff-tax burden was borne, not by the American people but by the foreigners who sent their commodities into the United States from foreign lands. They insisted that no matter how high the duties were, they did not and could not fall on the consumers, but came out of the pockets of the foreigners who shipped them to this country. Their slogan was "The foreigner pays the tariff." Learned Republican Members of this House, Republican Senators of long experience and erudition, Republican governors, Republican campaign orators, Republican newspapers, and the rank and file of the Republican Party gravely argued that the burden of tariff taxes fell on the shoulders and came out of the purse of the foreigners, and were not passed on to the ultimate American consumer. They contended that the imposition of high-tariff taxes did not increase the price of the imported article to the consumer, because, forsooth, they said, "the foreigner pays the tariff." In my youth and early manhood I heard hundreds of Republican spellbinders proclaim this doctrine from stump and platform, and practically every Republican newspaper in the Nation scoffed at the Democratic claim that the importer only advanced the tariff tax, added it to the cost of the imported article and passed it on to the consumer. I have seen many banners and placards carried in Republican parades, boldly asserting that "the foreigner pays the tariff tax." For a generation the Republican Party sold this fallacy and false doctrine to the American people, and millions of honest Republicans really believed that the foreigner did pay the tariff tax. Many well-meaning and sincere Americans were deceived by this fallacy and were happy and contented in the embrace of this error.

But this pernicious sophism and beguiling fallacy has long since been exploded, discarded as utterly illogical and unfounded, and is no longer advanced by the Republicans in defense of its high tariff policy. The contention was so obviously false that it could not stand the test of reason or common sense. Now no intelligent Republican will contend that the foreigner pays the tariff tax or that the imposition of high-tariff taxes does not increase the price of the imported article to the consumer. So this fallacy with which the industrial lords fooled the American

people for a generation has been cast into discard and now there are none so unsophisticated as to do reverence to this false philosophy.

FALLACY II. HIGH TARIFFS DO NOT INCREASE THE PRICE TO THE CONSUMER OF AMERICAN-MADE PRODUCTS

The high-tariff advocates deluded the American people for a generation by another fallacy. I refer to their claim that the imposition of tariff taxes does not increase the price of American-made goods to the consumer. After a time they reluctantly admitted that the tariff increased the cost of the imported article, but asserted that laying a tariff on a foreign commodity did not increase the price to the American consumer of a similar commodity manufactured in the United States. They ingenuously argued that the cost of the tariff to the American consumers was measured by the increased cost on the imported article. This argument was fallacious. Any student of the tariff knows that the American manufacturer wants high tariff laws for the reason that such laws will enable him to sell his products at a higher price than he could obtain if we had no tariff laws. Indeed, it is frankly admitted that the American manufacturer is enabled to sell the commodities he produces at a higher price than he could obtain if there were no tariff laws. No manufacturer will deny that the effect of the tariff is to raise domestic prices not only on imported articles but on similar articles of domestic manufacture. If the tariff did not raise prices the manufacturer would not be interested in it and it would not protect. How can a tariff protect a manufacturer if it does not reduce competition from foreign goods, give him greater control over the domestic market, and enable him to get higher prices for the commodities that come from his mills and factories. The whole system of a protective tariff is based upon the proposition that high tariffs do enable the American manufacturer to charge the American people more for American-made commodities than could be charged if there were no tariffs.

The growers of cane and sugar beets clamor for a higher tariff on imported sugar because under such high tariff they will be enabled to sell their American-made sugar at higher prices than would obtain in the absence of this high tariff.

Those who manufacture chemicals, oils, paints, drugs, dyes, and similar products want a high tariff on these commodities so the American manufacturer of these commodities can raise the price of his products over and above the price that would prevail without these tariffs.

The manufacturers of earthenware, glassware, cement, crockery, chinaware, table, and kitchen articles and utensils, window glass, mirrors, electric-light bulbs, tiles, granite, marble, and tombstones are always begging Congress to increase the tariff on these articles, and frankly admit that they want this tariff increase so they may be enabled to charge the American people higher prices for American commodities of this character than they could charge without a tariff.

The manufacturers of iron, steel, copper, tin, and aluminum products are always demanding higher tariffs on these commodities because the higher the tariff the more they can charge for the articles that come from their mills and factories.

The manufacturers of cotton, woolen, silk, rayon, and linen goods are always knocking at the door of Congress and begging for an increase in the tariffs on articles of this class because the more the tariff is increased on foreign goods of this character, the more the American manufacturers of cotton, woolen, silk, rayon, linen, and similar products can charge for these American-made articles. And this same principle prevails with reference to all of the other schedules.

For a long time the high tariff advocates were able to fool the American people into believing that high tariff laws did not increase the price of American-made commodities. This fallacy was put over and sold to the public in spite of the fact that the main purpose of high tariff rates is to enable the American manufacturer to do this very thing, namely, sell the products of his factory to the American people at a higher price than would be obtainable without such high tariff rates.

Or, to state the proposition in another way, high tariff laws are intended to remove or materially reduce competition and give the American manufacturer a monopoly on our domestic markets with the power to advance prices to a point far in excess of the prices that would obtain if we did not have these high tariff laws. That is to say, the purpose of high tariff laws is to give the American manufacturer a strangle hold on the American consumer and compel him to use American-made merchandise and pay for it a much higher price than could be exacted in the absence of these high-tariff schedules.

Let me show how the tariff works and increases the cost of American-made commodities. It is surprising how cheaply pocketknives can be produced, not only in Europe but in the United States. A pretty good pocketknife can be made in England, shipped to the United States, and sold for 50 cents if it were not for the tariff on knives. The same kind of a knife can be made in the United States and sold at a fair profit for 50 cents. But before the 50-cent English knife can enter our country it is subject to a tariff tax of approximately 50 cents, which when added to the cost of the English knife raises its sale price to $1. The American who buys this English knife gets 50 cents worth of knife and 50 cents worth of tariff, and the 50-cent tariff tax goes into the United States Treasury.

Now, how does the tariff on knives benefit the American manufacturers and how does this tariff affect the price the consumer pays for American-made knives? That question is easy to answer. The American manufacturer of knives knows that with the tariff added the English knife can not be sold for less than $1, and this enables the American manufacturer to advance the price of his 50-cent knife to about 90 cents, which gives him an additional profit of 40 cents and still enables him to sell the American-made knife just a little cheaper than the English knife. This explains why the American knife maker wants a high tariff on foreign knives. It enables him to sell the American-made knife for nearly double what he could sell it for without this tariff. The tariff gives the American knife maker a monopoly or almost a monopoly on the American market, and under the cover of this high-tariff tax he is assured an exceedingly large profit, but the millions of people in the United States who use knives are compelled to pay nearly twice as much for their knives as they would pay in the absence of this high tariff.

If high tariffs did not have this effect, the manufacturers would not be interested in having everything from the cradle to the grave, including coffins, shrouds, and tombstones, subject to high-tariff taxes.

Let us see how the tariff works on hats: An English hat can be made and shipped to the United States and sold at a profit for $1.50 if there were no tariff on hats. On this English hat a tariff of 72 cents is levied at the customhouse, which tariff brings the cost of the English hat up to $2.22. The American who buys an English hat gets $1.50 worth of hat and 72 cents worth of tariff and this 72 cents goes into the Treasury of the United States. Now, I am going to show a little later on that while the scale of wages in the United States is higher than in England, still, when we consider the productivity of American labor, it is as cheap and as poorly paid as the labor in Europe, and while the daily wage in the United States is higher than the daily wage in Europe, it is in reality no higher when you take into consideration the fact that the American laborer in a day produces double the quantity of manufactured articles produced in a day by an English workman. It is my purpose to elaborate this phase of the wage and tariff question a little later on and to furnish conclusive proof that by reason of his greater efficiency and productivity the American laborer is not much better paid than the European laborer. Now, the American hat manufacturer can make and sell a hat of the same grade as the English hat for $1.50, but when, as a result of the tariff, the price of the English hat is pushed up from $1.50 to $2.22, the American manufacturer promptly advances the price of the American hat to about $2.10, which gives the American hat maker 60 cents additional profit, and still enables him to sell the American-made hat 10 cents below the price of the English hat. If the tariff did not enable the American hat maker to add to the price of American hats a sum equal to the tariff, he would not be lobbying to maintain a high tariff on hats.

The tariff on all other commodities operates just like it works on knives and hats. If the tariff did not work this way, the manufacturers would not be interested in the tariff question. If the tariff did not enable the domestic manufacturer to raise prices on his commodities, he would be opposed to the principle of the so-called protective tariff. While under the Fordney-McCumber Act the Government collects annually about $550,000,000 import duties, this is only a drop in the bucket in comparison with the total cost to the American people of that act. It is conservatively estimated that by reason of the high tariff schedules carried by the Fordney-McCumber Act the American manufacturers, in increased prices on American-made commodities, have collected annually from the American people at least $3,000,000,000 more than they would have received for their commodities had not the Fordney-McCumber schedules been enacted. The rates established by the Fordney-McCumber Act are already in many respects unreasonably high and grossly excessive. The present tariff rates are yielding to the industrial classes the lion's share of the new wealth that annually accrues to the American people, and these rates are especially burdensome to the agricultural classes and to the millions of so-called common people who constitute the bone and sinew of our national life.

FALLACY III. THE FARMER IS PROTECTED BY THE TARIFF

In net results the Fordney-McCumber Tariff Act has been a burden and not a benefit to the American farmers. It has cost the agricultural classes approximately $2,000,000,000 in six years. I grant you that it placed numerous farm commodities on the dutiable list with rates that to the uninformed would seem to be helpful. But these duties are only effective on commodities of which we do not produce a surplus. This tariff is not effective on wheat and other commodities of which we produce a surplus. But the benefits of the tariff on farm commodities are exceedingly small when compared with the burdens that are imposed on the agricultural classes by the Fordney-McCumber Act.

It is conservatively estimated that the Fordney-McCumber Tariff Act is costing the American farmers in excess of $300,000,000 annually. This is not Democratic propaganda but is based on a finding and report made by the American Farm Bureau, which has probably the largest membership of any farm organization in the United States. After the passage of the tariff act of 1922 the department of research of the American Farm Bureau Federation made a careful and exhaustive investigation to ascertain the effect of this measure on agriculture. The investigation was conducted along fair, impartial, and nonpartisan lines. The benefits and burdens that flowed from the act were enumerated and a balance struck which showed that after allowing for the benefits accruing to agriculture from this measure it was found that the net cost to agriculture of the Fordney-McCumber bill was $301,000,000. In other words, there was more cost than gain to the American farmers. I hold in my hand a copy of the American Farm Bureau Federation News Letter, the official organ of the American Farm Bureau Federation, in which the report of this investigation is printed. The report is well written and is eminently fair in enumerating both gains and losses to agriculture under the provisions of the tariff act of 1922. This report reflects an honest effort of this great farm organization to determine, first, to what extent farmers, as producers, are benefited by import duties on their own products through resultant increases in market prices; and second, to estimate the increased cost of commodities purchased by farmers, whether agricultural or industrial products, attributable to the existing tariff. The net gains that would accrue to the agricultural classes from the tariff from each farm commodity were carefully computed, and it was found that, by reason of the tariff on agricultural products, the gross annual increase of income to the farmer on these commodities was $124,800,000, but it was also found that the farmers were to a certain extent purchasers of these commodities and that the increased cost to farmers of the agricultural products they purchased and consumed was $94,900,000 which, when deducted from the gross gains, left $29,900,000 as the net annual gain of the American farmers from the tariff on farm products carried by the Fordney-McCumber Act. That is to say, considering the agricultural schedules as a whole, the American Farm Bureau Federation found that these tariffs on agricultural products only increased the income of the American farmers $29,900,000. But this does not represent any gain to agriculture when we take into consideration what the American farmers had to pay in the increased cost of their supplies, which increase resulted from the unconscionably high tariff rates on articles covered by other schedules.

The farm bureau in this report estimated that the Fordney-McCumber law added annually $1,323,000,000 to the price of commodities consumed by the American people other than agricultural products, and that of this amount the farmers paid one-fourth, or approximately $331,000,000, and deducting the $30,000,000 gain under the agricultural schedules, it found that the net annual loss of agriculture under the Fordney-McCumber Act was $301,000,000. In other words, the Fordney-McCumber law brought to the American farmers $30,000,000 and added to the cost of their supplies $331,000,000, which was in effect putting into one pocket of agriculture $30,000,000 and taking $331,000,000 out of the other pocket. These are not my figures; this is not Democratic propaganda; but these are the figures compiled by the American Farm Bureau Federation, showing the losses and gains that annually accrue to the American farmers as result of the excessively high tariff schedules embraced in the Fordney-McCumber Act.

James E. Boyle, professor of rural economy in Cornell University, in an article on tariff handicaps published in the March issue of the Annals of the American Academy of Political and Social Science, said:

> The conclusion seems warranted that when the tariff gains and losses are balanced for the farmer, the balance shows a net loss to the farmer. The American Farm Bureau Federation states the amount as $300,000,000, or about $10 per family. My estimate would be five times this amount, or $50 per family.

Now, this is not my statement and it is not Democratic propaganda. It is the well-considered opinion of an eminent educator who has made a thorough, judicial, and nonpartisan examination of the effect of high tariff laws on agriculture. Moreover, Professor Boyle concludes his article with this significant statement:

> The tariff is now one of the greatest obstacles to an economically sane and balanced agriculture.

The pending bill will not improve the condition of the American farmer, because it materially increases the tariff on hundreds of articles that the farmer is compelled to buy. It will add tremendously to the farmer's cost of living. It will not reduce the spread between what the farmer gets for his product and what he pays for his supplies. For every dime this bill puts in the pockets of the American farmer it will take out a dollar.

FALLACY IV. HIGH WAGES IN THE UNITED STATES ARE THE RESULT OF HIGH TARIFFS

Another fallacy that the industrialists have worked overtime is the claim that high wages in the United States are the result of our high tariff laws. This contention is not sustained by the evidence in the case. As a rule wages have always been higher in the United States than in Europe, and this is true without regard to whether high, moderate, or low tariff laws have been in operation. Our country was new and now has and always has had a small population as compared with Europe. Our natural resources have been in a process of development. Our industrial, commercial, and political institutions had to be built new and "from the ground up." Our almost limitless natural resources expanded rapidly under the influence of American genius and American efficiency. Since the foundation of our Government commerce, business, and industry have grown more rapidly than our population. Under these conditions our supply of labor has seldom been equal to the demand. This factor alone will produce a high wage scale whether we have or do not have a tariff.

On the other hand, every nation in Europe has been overpopulated for more than a century, and the supply of European labor has always been greater than the demand. There has been an age-long struggle in Europe among the laboring classes for a job and for bread. Seldom has there been a time in the last 100 years in Europe when there were not at least two applicants for every job. As a result of this overpopulation and oversupply of labor wages have always been low or comparatively low—much lower in fact than wages in the same lines in the United States. Although millions of men and women have migrated from Europe to the four corners of the earth Europe has continued to be overpopulated, and it is inevitable that wages will be low wherever two or three men are struggling for one job.

Numerous factors contributed toward establishing a high wage scale in the United States. We had millions of acres of productive agricultural land that were open to settlement by preemption or homestead. If at any time wages in America were unsatisfactory, the workmen could turn to the West and acquire without cost a fertile farm where he could live in comfort, rear his family, and have a part in the development of a rapidly advancing civilization. We had untold mineral wealth hid in the bowels of our mountains and beneath the surface of our hills and valleys to which a discontented wage earner could turn with a reasonable assurance of acquiring a fortune. Our forests lured many workmen from the factories thereby making places for others, frequently at an increased wage. Conditions were entirely different in Europe where the teeming millions were foredoomed to a life of toil and often beggary. If the United States were overpopulated like Europe, and we had two or three workmen for each job, no tariff schedules however high could prevent low wages and the impoverishment of the wage-workers of America.

Labor organizations have done infinitely more to improve working conditions, dignify labor, and maintain a high wage scale than all the tariff laws that have ever been written. Before labor was efficiently organized, wages were much lower in the United States than now, although the statute books were plastered over with high tariff laws. The American Federation of Labor and the Railroad Brotherhoods and other labor guilds, groups, and organizations are entitled to the credit for having established and maintained a high wage scale in the United States, and this was done over the protest and bitter opposition of the organized industrial and transportation groups.

The American workmen owe their high wages to union labor and not to the tariff. How long would the workmen enjoy their present high wages if the great brotherhoods, the Federa-

tion of Labor, and other labor organizations should be dissolved? How long would the manufactures pay a decent wage if the American Federation of Labor and allied labor organizations should go out of business. Wages are high in the United States, not on account of tariff laws but because of the intelligence, efficiency, and productivity of American labor and because labor unions have forced the payment of living wages and decent working conditions.

Even when we have had our lowest tariffs, wages in the United States have always been higher than wages in Europe. I call your attention to the fact that our highest wages in the United States are in lines of employment and trades far removed from the influence of tariff laws. You will not find the highest wages paid in industries that enjoy the highest tariff protection, but in trades that are not directly or indirectly protected by or related to the tariff. The textile industry probably enjoys the protection of the highest tariff schedules, yet the wages paid in that industry are exceedingly low, and strikes and lockouts are quite common in our cotton and woolen mills.

The United States Department of Labor issues reports showing the wages paid throughout the Nation, including the wages of those employed in unprotected as well as protected industries. These statistics show that laborers are better paid in trades and industries that have no tariff protection than in industries sheltered by high tariff laws. The wages per hour in these unprotected trades were as follows:

Wages per hour

Bricklayers	$1.47
Carpenters	1.18
Wharf and bridge builders	1.17
Cement finishers	1.23
Engineers, portable and hoisting	1.26
Hod-carriers	.92
Glaziers	1.22
Inside wiremen	1.27
Lathers	1.39
Marble setters	1.26
Painters	1.23
Sign painters	1.53
Plasterers	1.48
Plumbers and gas fitters	1.28
Slate and tile roofers	1.41
Stonemasons	1.40

These workmen are not protected by any tariff laws. Their work can not be performed abroad and then shipped into this country. The wages in these unprotected industries will average double the wages paid in manufacturing establishments that are given the benefit of high protective tariff laws.

It is also significant that wages in these same lines of employment in Europe are higher than the wages in the European manufacturing plants, many of which are the beneficiaries of a high protective tariff. Then again, the American workman in a trade that is not protected by the tariff gets more than double the wages of the European workman engaged in the same line of industry. While the daily wage in protected industries in the United States is practically double the daily wage in the protected industries of Europe the daily wage in the unprotected industries in the United States is double the daily wage in the unprotected industries of Europe. As I have already explained, this is because of the overpopulated conditions in Europe and the excess of the labor supply over the demand. Of course, the superior intelligence, greater efficiency, and greater productivity of American labor are factors in the wage problem which necessarily stimulate wages in the United States and maintain them on a higher level than European wages.

I desire to especially emphasize the greater productivity of American labor as one of the prime factors in establishing a high American wage scale. That is to say, the American workman, by reason of his greater intelligence and efficiency, produces more manufactured commodities in a given time than the European laborer engaged in the same character of work. The American workman will turn out in a day more yards of cloth, more pencils, more pairs of hose, more handkerchiefs, more nails, knives, forks, neckties, horseshoes, bolts, barb wire, pins, needles, buckles, fishhooks, spades, rugs, calico, or other articles than the European workman will produce in two days. As the labor of the American workman is twice as productive, why should he not receive double the wages of his European cousin? Inasmuch as the American workman in a day creates twice as much of a given commodity as is produced by European labor in the same length of time, is it strange that the American workman receives double the wage of the European toiler? The American workman gets more because he does more, produces more and earns more for his employer.

On April 11, 1878, F. W. Seward, acting Secretary of State, issued a letter to the consular officers of the United States in Great Britain, France, Germany, Belgium, Italy, Spain, the Netherlands, Sweden and Norway, and Denmark, requesting them to investigate labor conditions and report in regard to the following points:

First. Rate of wages usually paid laborers of every class, but with more special reference to agricultural laborers, mechanical laborers.

Second. And those upon public works and rails. The cost of living to the laboring class, or the prices paid for what may be termed the "necessaries of life."

Third. So far as practicable, a comparison of the present rates with those prevailing during the previous five years, both as to the wages and cost of living.

Fourth. Present state of trade, whether prosperous or otherwise, and the character of the paper money, the amount in circulation, and the relative value of paper money and credit to each other.

Fifth. Such information as may be obtainable as to business habits and systems in these foreign countries.

These nations, with the United States, at that time comprised the world of educated and progressive labor. The consular officers made a thorough investigation of the enumerated suggestions, and in due time submitted reports and statistics to the State Department covering these suggestions. The then Secretary of State, William M. Evarts, arranged these reports into national groups so as to present a compact, yet comprehensive, view of the state of labor in the various European countries and at the same time a comparison between labor in those countries and in the United States. On May 17, 1879, Secretary Evarts transmitted these reports to Congress with a letter in which he made a detailed and scholarly analysis of these statistics, drew certain conclusions therefrom, and announced certain great truths to be drawn from this study of labor conditions in Europe and the United States. This report and these statistics constitute Executive Document No. 5, Forty-sixth Congress, first session. Time will not permit me to present in detail this report and these statistics, but I do want to call your attention to several important facts they reveal:

In this report Secretary Evarts, who was an eminent Republican, states:

The rates of wages in the United States, roughly estimated, are more than twice those in Belgium; three times those in Denmark, France, and Germany; one and one-half those in England and Scotland; and more than three times those in Italy and Spain.

Undoubtedly the low European wage scale was caused then and results now from overpopulation and because the supply of labor in Europe largely exceeds the demand.

At the time these statistics were gathered we had in the United States an average ad valorem rate of duty of 42 per cent. Then, as now, the laborers in many trades were not the beneficiaries of any protective tariff laws. Even at that time the unprotected laborers in the United States received substantially double the wages paid to European laborers engaged in the same kind of work. These laborers at that time were not protected in either the United States or Europe, and yet wages were twice as high in the United States as in Europe, which demonstrates that high tariff laws do not increase the wages of workmen who are not employed in a particular industry that is sheltered by a high protective tariff. The bricklayers, masons, carpenters, brass fitters, painters, plasterers, blacksmiths, bakers, plumbers, saddlers, harness makers, and tinsmiths in the United States received double the wages of the bricklayers, masons, carpenters, brass fitters, painters, plasterers, blacksmiths, bakers, plumbers, saddlers, harness makers, and tinsmiths of Europe. Neither group had the benefit of tariff laws. The nature of this labor is such that it can not be protected by tariff schedules. The American bricklayer lays bricks in the United States—does his work here—and the European bricklayer does his work on the other side of the Atlantic Ocean, and in the very nature of things neither can compete with the other. The same is true of the plasterer, plumber, blacksmith, carpenter, and painter. No method has ever been devised by which the great majority of American laborers can have their wages raised by the tariff. The fact that the American bricklayer gets twice the wages of the European bricklayer does not prove that the high wage of the American bricklayer is due to the tariff. And this is true with a great majority of American laborers, only a small proportion of whom are brought or can be brought under the protection of our tariff laws.

Secretary Evarts speaks of the overpopulation and the surplus labor in European countries and stated that under the circumstances nothing "remains for the British workingmen but emigration." Mr. Evarts also makes the following significant statement:

The average American workman performs from one and a half times to twice as much work in a given time as the average European workman. This is so important a point in connection with our ability to compete with the cheap-labor manufactures of Europe, and it seems, on first thought, so strange that I will trouble you with somewhat lengthy quotations in support thereof:

DENMARK

"Another evil is the diminished worth of wages, the descending quantity and quality of work now obtained by employers for wages higher than those paid 10 years ago. From the report of the consul at Copenhagen.

FRANCE

"At his work the French laborer or mechanic lacks the energy of the American of the same class, and the amount of work executed by him is much less in the same number of hours. The hours of labor are from 11 to 12, but an average American workman will accomplish as much in 9 hours. From the report of the consul at Bordeaux.

GERMANY

"I am satisfied that an ordinary workingman in the United States will do as much again as will one in this district in the same time. From the report of the consul at Chemnitz, Saxony.

"An active American workman will do as much work in a given time, at any employment, as two or three German workmen. From the report of the consul at Leipzig.

"There can be no question that, speaking in general terms, the quality as well as the quantity of the work of the German artisans is inferior to that produced by the Americans. The workman here is inclined to be sluggish, and what he accomplishes is relatively small. From the report of the consul at Sonneberg."

Further on in his report Secretary Evarts said:

There is something in the Republic which gives an individuality to the people of the United States possessed by no other people to such a degree. Our inventive genius in mechanical appliances is original, and at least 25 years ahead of Europe. Our people accept innovation, are prepared for it by anticipation; Europeans do not. One workman in the United States, as will be seen from the foregoing extracts, does as much work as two workmen in most of the countries of Europe; even the immigrant from Europe attains this progressive spirit by a few years' association with American workmen. We have no oppressed and stupid peasantry, little more intelligent than the tools they handle. All are self-thinking, self-acting, and self-supporting.

Continuing, Mr. Evarts said:

The workingman of Europe is born to labor through life; in labor he must continue to the end. There, indeed, are capital and labor severely and eternally divided, unless when some great upheaval in its madness pulls all things down to a common level. But in the United States the workingman of to-day may be the capitalist of to-morrow. Labor and capital are only divided by intelligence, industry, and pluck, and all honest, steady, sensible laborers work to become capitalists.

And in the opinion of Secretary Evarts neither cheap foreign labor nor the vast European capital at its back can compete with the inventive genius, mechanical skill, and financial audacity of the workingmen and capitalists of the United States. And by reason of the superior intelligence, greater efficiency, and vision of the American laborer and manufacturers they will ultimately achieve a world-wide mastery in the domain of industry, and eventually largely control the markets of the world whether or not we have a high, moderate, or low tariff system.

Here we have a very persuasive explanation of why the American laborer receives better wages than the workingman of Europe. It is, as Secretary Evarts says, because "one workman in the United States does as much work as two workmen in most of the countries of Europe"; and why should we overlook this very convincing explanation and attempt to prove that this difference in wage scales is due to the tariff.

In reference to the cost of living in Europe and the United States Secretary Evarts said:

If the working people of the United States lived on the same quality of food, or comparatively the same, and exercised the same frugality as the working people of Europe, they could live as cheaply as the working people of any country in Europe.

But, of course, in the domain of labor in the United States we have higher standards of living than those which prevail in Europe, and no one favors legislation which will deny the laboring man an adequate wage and proper working conditions.

But I want to call another witness whose ability and Republicanism will not be questioned. I refer to James G. Blaine, "the Plumed Knight," whose keen rapier was always drawn in the service of his party. He was Secretary of State under President Garfield.

Shortly after he became Secretary of State he sent a circular to United States consuls throughout the world requesting them to forward such facts as were within their reach in regard to trade in cotton yarns and tissues in their several districts. These American consuls combed the earth for statistics in relation to the cotton trade of the world. These consular reports were published with a letter from Secretary Blaine, analyzing and explaining them in detail. He gave much thought and space to a study of the wage question at home and abroad and compared wages in the United States with those prevailing in foreign lands. In his analysis of English wages and in comparing them with the wages that prevailed in the textile industry of the United States he not only showed the wages paid in each country but the number of hours employed and the productivity of the laborers. He thus summed up his conclusions:

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor. If this should prove to be a fact in practice, as it seems to be proven from official statistics, it would be a very important element in the establishment of our ability to compete with England for our share of the cotton-goods trade of the world. (United States Consular Reports 1881, vol. 12, pp. 98–99.)

Here we have the testimony of a great Republican and a great protectionist. And he frankly says that the inequalities in the wages of English and American operatives are more than equaled by the greater efficiency of the American and his longer hours of labor.

Continuing, Mr. Blaine said:

In the two prime factors which may be said to form the basis of the cotton-manufacturing industry, namely, raw material and labor, we hold the advantage over England in the first and stand upon an equality with her in the second.

Having the raw material at our doors, it follows that we should be able to convert it into manufactures, all things else being equal, with more economy and facility than can be done by England, which imports our cotton and then manufactures it in her mills. The expense of handling, transportation, and commission must be an important item in this regard as compared with our turning in the fiber from the cotton fields to our mills and shipping it in the advanced form of manufactured goods. Add to this the secondary fact that it costs us no more to handle and manufacture the same than it costs in England and we stand on an undoubted equality thus far in the race of competition.

Can any Republican challenge Mr. Blaine's logic or the accuracy of his conclusions? He recognized that American labor, by reason of its superior intelligence, efficiency, and greater productivity, is able to successfully compete with England and other nations for the cotton trade of the world.

And by these consular reports and statistics he showed that spinners and weavers in the cotton mills of England were paid substantially the same wages, although England was then a free-trade nation and the United States at that time had a high-tariff system with an average ad valorem rate of duty of over 42 per cent.

And I have some additional evidence to offer. I desire to call another Republican Secretary of State, and I tender the evidence of a Republican in whom I am sure there was no political guile, Frederick T. Frelinghuysen, Secretary of State under President Arthur.

Secretary Frelinghuysen collected and arranged statistics which fully demonstrated the soundness and correctness of the conclusion reached by Blaine and Evarts and declared that, "In the matter of wages, America is as cheap as England." I quote from one of the tables on which he based this conclusion. It gives the amount of wages in cents paid for manufacturing a certain quantity of cloth, as follows:

	Cents
Fall River, Mass	6.907
Lowell, Mass	6.882
Rhode Island	6.422
Pennsylvania	6.440
England	6.962

This table shows that the average wage paid at that time in England for producing any fixed quantity of cloth was higher than the average wage paid in the manufacturing centers of the United States for doing the same amount of the same work. Mr. Frelinghuysen further shows that the total cost of manufacturing this fixed quantity of cloth was actually less in Rhode Island than in England, the proportion being Rhode Island, 11.99, to England, 12.16.

That is to say, when Secretary Frelinghuysen took into consideration the productivity of American labor he found that the English workman was being paid a fraction more than the American who is doing the same kind of work. I have made

an effort to obtain late statistics as to the comparative productivity of American and European labor, but it seems that the departments have not obtained statistics of this character in recent years, although this information is of vital importance and absolutely necessary to make an accurate comparison of American and European wage scales. But it will not be denied that an American laborer produces much more in a day than the European laborer. The American workman produces more yards of cloth, more nails, more glassware, more knives and forks, more files and saws, more boxes and baskets, more handkerchiefs and neckties, more spools of thread, more buttons, gloves, hosiery, underwear, tablecloths, sheeting, and more articles of every kind in a day than the European workman. I am quite confident that when you take into consideration what an American workman produces he is even at the present time not compensated at the same rate as the English workman. It is quite common for us to boast of the high wages received by the American workman without taking into consideration the fact that he gets better wages because he is worth more to his employer and because he produces more commodities and creates more new wealth than the European laborer in the same length of time.

I can not escape the conclusion that the pending bill is a vicious measure which grants to the manufacturing groups undeserved bounties. It will increase tremendously the cost of living and divert to the pockets of the industrialists untold millions of dollars that ought to remain in the pockets of the common people of America, whose backs are now bending beneath an unbearable burden. You may pass this bill, but with the exception of a few schedules it will not meet with the approval of the American people. You are carrying the doctrine of protection to unnecessary and unreasonable extremes and widening the spread between the economic condition of the special-privilege classes on the one hand and the masses on the other.

THE PHILOSOPHY OF WAGES AND THE EFFECT OF PROTECTIVE TARIFF THEREON

If the tariff has any effect on wages, it can only be because it operates on the underlying factors that control wages and make them what they are. In order to determine to what extent tariffs affect wages, we must get at the causes underlying wage rates. High wages or low wages do not "just happen," but are the result of well-defined and ruthlessly operating natural laws. They are not the result of chance, but spring from immutable economic laws and only remotely and temporarily can their operation be altered by artificial influences or legislative fiats. If wages are high, there is a cause for it. If wages are low, there is a cause for it. So the conclusion is irresistible: If high tariffs influence wages, it is because they affect those things that cause high or low wages.

Now, if the protective tariff causes high wages, how is this done? In what way does the tariff operate on the wage scales, forcing it up or down, or holding it stationary? High wages and low wages are the effect of some rational and underlying cause. Now, what is the real cause of high or low wages? What economic forces push wages up to high levels or pull them down to a beggarly basis? If a low tariff causes low wages, why and how? If a high tariff causes high wages, why and how? What is the process by which tariff laws advance or reduce wages, if they do have that effect? We must not jump at conclusions. We must not accept the unsupported claim advanced by the advocates of high tariffs. Without proof, we must not assume that high tariffs do raise the wage scale or that low tariffs reduce wages. We must subject this claim to the acid test of reason, logic, and common sense. The contention advanced by the advocates of ever-increasing tariff rates must fall unless it can be established by some rule of reason and the process by which tariffs raise or lower wages must be definitely established and demonstrated to the satisfaction of thinking men.

There is a profound philosophy that underlies and controls the upward and downward movement of wages. I propose to briefly discuss some of the theories advanced by economists and students of the wage problem in order that we may, if possible, reach a correct conclusion as to the factors that control wages and make them high or low. Time will not permit me to discuss these several theories in detail. This morning I can only enumerate and hurriedly define these different theories and state what doctrine is most consonant with truth and reason.

FIRST. THE "WAGE-FUND" THEORY

This doctrine was first developed by the English classical school of political economists. The learned Scotchman, Adam Smith, originated or, at least, developed and amplified this "wage-fund theory," in his monumental work entitled, "An Inquiry Into the Nature and Causes of the Wealth of Nations," published in 1776. This theory of wages was generally accepted for more than a century and with some modifications still meets with the approval of many thoughtful modern students of the wage problem. Now, what is this "wage-fund" theory of wages? It asserts that wages are dependent on the number of workers in a country and the amount of capital available at any time for their payment. This capital sum—that is, the wage fund of a particular country—is not increased but only distributed by the protective tariff, which consequently can not increase wages. In other words, the wage-fund theory in effect asserts that the protective tariff instead of increasing the fund available for wages in the country, taken as a whole, merely shifts a portion of the wage fund available in one occupation, to the wage fund in another occupation. Or, to state the theory in a different form, the protective tariff shifts the funds available for wages in the nonprotected industries to the fund available for the payment of wages in the protected industries. Under the protective tariff policy, if wages are advanced in the protected industries, that increase must come from the funds that would otherwise be available for the payment of wages in the nonprotected industries. In the same manner, laws are frequently enacted which, while they do not increase the stock of national wealth, do arbitrarily and unjustly shift large portions of our national wealth from one vocation to another and from one section of the country to another section.

It is fundamental that the rate of wages depends on the proportion which the supply of labor bears to the demand for it; and the supply of labor depends upon the number of men waiting for employment. Frederick Bastiat, in his Fallacies of Protection, says:

> We shall no longer receive such and such a product from abroad. We shall make it at home, augment the capital? Not in the least degree. It may force capital from one employment to another, but it does not increase it by a single farthing. It does not, then, increase the demand for labor.

The protective system tends to produce abnormal economic conditions and throw our economic structure out of balance. If the claims made by its advocates are well founded, then the system, by legislative favoritism, discriminates in favor of one industry and against all others. By artificially stimulating the wages in one industry, we inevitably draw from other industries man power that would otherwise remain in these other industries and contribute to their enrichment.

Undoubtedly high tariff laws stimulate manufactures. The capital to carry on these industry operations has not "fallen from the moon," but has been withdrawn from agriculture, business, and other vocations. The protective tariff system increases the number of workmen in manufacturing towns, reduces the number of workmen on the farms, and in many other walks of life. The abnormal prosperity in the industrial sections of our country has been wrought at the expense of the agricultural sections, and the amazing wealth that has come to the manufacturing classes under our protective system, represents not the creation of new wealth so much as the shifting of existing wealth from the agricultural and other groups that make up the so-called common people. No thoughtful student of present-day conditions will deny that under the protective system much of the wealth of the agricultural classes has been transferred to the pockets of the manufacturing group.

SECOND. THE "PRODUCTIVITY" THEORY

Those who hold to this theory declare that the productivity of labor is the principal determinant of wages. If the productivity of labor is high, wages will be high; and if labor is high, it is because labor's productivity is great. And the very fact that the American wages are high proves that the American producer has nothing to fear from the less efficient European workman. David A. Wells, an economist of international repute, in discussing this wage question, said:

> If a high rate of wages is permanently paid in any industry or in any country, it is in itself proof positive that the product of labor is large, that the laborer is entitled to a generous share of it, and that the employer can afford to give it him.

Prof. F. W. Taussig, in Free Trade, the Tariff, and Reciprocity, published in 1920, emphasizes productivity as the main determinant of wages, and says:

> The general proposition that a high rate of wages is the result of high productiveness of industry is simple and undeniable. * * * The high level of wages is caused by the great efficiency of labor in the majority of productive enterprises.

THIRD. THE "SUPPLY AND DEMAND" THEORY

Many eminent authorities on political economy attribute high and low wages to the simple laws of supply and demand.

Some one has said that when two workmen run after one master wages fall, but when two or more masters run after one workman wages rise.

In 1888 in this Chamber Roger Q. Mills, in advocating a reduction of tariff taxes, said:

It is said if we reduce the tariff wages must be reduced. How is it that a high tariff makes high wages for labor? How can it be explained? Why, they say, as a matter of course, if you increase the value of the domestic product, the manufacturer is able to pay higher wages. Unquestionably he is, but does he do it? No. Mr. Jay Gould, with his immense income from his railroad property, is able to pay his bootblack $500 a day. Does he do it? Oh, no! He pays the market price of the State. * * * A high tariff does not regulate wages. Wages are regulated by demand and supply, and the capacity of the laborer to do the work for which he is employed.

No matter how high the tariff may be, a manufacturer never pays any higher wages than is necessary to enable him to purchase the labor he must have. If the demand for labor exceeds the supply he is quick to advance wages, but if the supply of labor is in excess of the demand, wages go down. Organized labor and labor unions have done infinitely more to advance wages and hold them on a high level than all the tariff laws that were ever written. Without the laboring men being organized, no tariff would insure them a living wage, and by organization and trade-unions, workmen have been able to advance their wages materially in every nation, whether under free trade or the protective system.

FOURTH. THE "LEGAL MONOPOLIES" THEORY

This doctrine originated within the last two decades. It was first advanced by the German economist, Franz Oppenheimer, and has been received with considerable approval among economists. According to this theory, the rate of wages is in large part determined by legal monopolies held by the employers. The employing classes have a monopolistic possession of many of the necessary elements of production, and they can, therefore, exact certain tribute from the wageworkers. The amount of such tribute determines largely the residuum received as wages. On the other hand, there is such a thing as legal monopolies held by the employees. The working classes in some instances may have a monopolistic control or possession of manpower and may thereby be enabled to exact certain concessions from the employers in the form of increased wages. The extent of this legal monopoly of man power determines largely the concessions that the employers will make to the employees in the form of wages.

FIFTH. THE "MARGINAL CONTRIBUTION" THEORY

I quote from the Principles of Economics, by Frank A. Fetter, professor of political economy and finance in Cornell University:

The law of wages may be stated thus: In any state of the labor market the wages of any labor or class of labor is equal to its marginal contribution; that is, to the value of its products. Each agent in industry, whether it be a plow, a horse, or a man, is valued in connection with other agents, never apart or isolated. It is not the total service any one of them performs that can be got at; all that can be got at is the utility attributed to the last unit of supply. Their marginal contribution determines their importance. Each agent is considered in combination with other things at a given moment under existing conditions of supply.

This statement of the law of wages is broad and appears to be modified in many ways in practice; by changes in industry, by ignorance on the part of the worker, by unequal skill in bargaining; but the law of wages just stated allows for these modifications and is a guide amid the complexity of facts, for it gives a place to the influence of trade-unions, caste, and everything else that affects the labor supply. The law of wages is but the general law of value working itself out amid the special conditions accompanying the gratification of wants by human effort.

The historical school of political economy questions the possibility of constructing any general formula that will explain the wage rate. A great many factors enter into these rates and varying conditions may at different times to a greater or less extent influence the flow of wages upward or downward. Undoubtedly there is much truth in each of these theories. There may be and frequently are secondary causes that intervene and for the time being artificially stimulate or reduce wages. In my humble opinion, the productivity theory and the theory of supply and demand embody the principal factors in the regulation of wages.

OTHER WAGE THEORIES

I may add that there are several other wage theories, namely, cost of production theory, minimum subsistence theory, standard of life theory, and the iron or brazen theory. Each of these doctrines is founded on more or less reason and philosophy, but time will not permit me to discuss them in detail.

Professor Fetter, of Cornell University, in his work on The Principles of Economics, says:

In America wages at all time have been higher than in England. * * * The cause of high wages in America appears to be the productive efficiency of industry under existing conditions. Labor is surrounded here with advantages in the forms of rich natural resources and of mechanical appliances such as were never before combined. Because of the scarcity of workers in particular protected industries, wages may be higher in them than in some other industries, but such workers form a small fraction of the population. The claim that the general scale of wages is raised by the tariff protecting this fraction is no less invalid than the sweeping claims in favor of trade-unions.

Adam Smith, writing in 1773, said:

England is certainly in the present times a much richer country than any part of North America. The wages of labor, however, are higher in North America than in any part of England. In the Province of New York common laborers earn 3 shillings and 6 pense currency, equal to 2 shillings sterling, a day; ship carpenters, 10 shillings and 6 pence currency, with a pint of rum worth 6 pence sterling, equal in all to 6 shillings and 6 pence sterling; house carpenters and bricklayers, 8 shillings currency, equal to 4 shillings and 6 pence sterling; journeymen tailors, 5 shillings currency, equal to about 2 shillings and 10 pence sterling. These prices are all above the London price; and wages are said to be as high in the other Colonies as in New York.

This learned economist also points out that colonies of civilized nations advance more rapidly to wealth and greatness than any other human society. And that has always been true. From the beginning of time, in the development of nations and the evolution of our civilization colonies have almost invariably outstripped their mother countries in wealth and all other things that make for comfort and the betterment of mankind.

David A. Wells, an economist of recognized ability and standing, in discussing the wage question said:

Wages are higher in this country because, owing to our great natural advantages, labor intelligently applied will here yield a greater or better result than in almost any other country. It has always been so, even since the first settlements within our territory, and this is the main cause of the tide of immigration that for the last 200 years has flowed hitherward.

Alexander Hamilton, the father of the protective policy, in his celebrated report on manufactures, made before we had any thought of establishing that policy, acknowledged that wages for similar employments were as a rule higher in the United States than in European countries.

Professor Taussig, of Harvard University, in discussing how the tariff affects wages said:

The notion that a high tariff causes general high wages is so flatly contradicted by the plain facts, as well as by simple reasoning, that any elaborated discussion of it would call for an apology if the tariff-and-wages argument were constantly repeated. In truth, few intelligent and unbiased persons would seriously argue that protective duties are the chief cause of high wages in the United States.

Professor Seligman in his volume Principles of Economics says:

If high wages are an evidence of high productive efficiency and go hand in hand with improved machinery or superior natural advantages, high wages may mean low cost. It is precisely in those occupations where wages are highest in comparison with abroad, as in the production of boots, bicycles, cottons, and wheat, that America is able to export successfully, showing that in these occupations at least high wages are no obstacle to cheap production.

This leads to the consideration that the direct influence of protection on wages has been exaggerated; the rate of wages depends, as we know, upon the location of the margin of productivity. Where natural resources are abundant, wages will be high with or without protection. The difference between American and European wages was no less striking before the policy of protection was inaugurated in the United States than it is at present. In point of fact, protection was then demanded on the ground that American wages were high, and no one thought of ascribing the existing high wages to a nonexisting protection. In the same way wages in England have exceeded those in Germany alike during the period of protection and free trade. Moreover, a large part of industry in every country, as the railways, the building trades, and the like, is necessarily local and not exposed to foreign competition. Wages in those occupations are hence not directly affected by a policy of foreign trade * * *. In its crude form the wages argument is not convincing. Protection explains the high wages in America as little as the low wages in Russia. Low wages are found under protection; high wages under free trade.

THE RELATIVE EFFICIENCY AND PRODUCTIVITY OF AMERICAN AND ENGLISH LABORERS

Of course economic, business, and labor conditions have been so seriously upset in Europe as a result of the World War that comparisons between the wages in the United States and England at the present time are obviously unfair and establish nothing. The industrial forces in the United States were not disorganized or depleted by the war, but tremendously stimulated and enriched, while the war left Europe impoverished, burdened with billions of indebtedness, national wealth dissipated, trade prostrated, financial systems broken down, taxation heavy and extremely burdensome, the buying power of the people destroyed, and with millions of idle men and women struggling for bread.

From a financial standpoint the World War was of tremendous benefit to the American people. We multiplied our wealth by leaps and bounds, and it is perfectly natural that after the war we should continue to forge ahead and increase our lead in the race for economic supremacy.

But before the World War industrial and wage conditions were normal in the United States and throughout Europe, and if we go back to the pre-war period we can make a comparison between the relative efficiency and productivity of European and American labor.

In support of my contention that American labor is not much better paid than English labor, when the efficiency and productivity of each are considered, I call your attention to some tables from the Dictionary of Tariff Information, issued in 1924 by the United States Tariff Commission, and published as an official document. The first table to which I call your attention shows:

Wages spent in various countries for unit of value added by manufacture

Industry	Amount spent for wages for every $1,000 added by manufacture	
	United States (1909)	United Kingdom (1907)
Wire and manufactures of wire	$401	$498
Tin plate	545	744
Cutlery and tools	490	640
Clocks and watches	538	617
Automobiles, bicycles, etc	419	544
Railway cars	604	505
Furniture	500	559
Cotton goods	516	597
Bleaching, dyeing, and finishing	440	506
Linen, jute, and hemp goods	454	490
Woolen and worsted goods	474	552
Silk goods	433	601
Hosiery and knit goods	498	583
Clothing, handkerchiefs, and millinery	410	456
Boots and shoes	547	594
Gloves	457	439
Shipbuilding	600	679

Now, what do these statistics prove? They undoubtedly establish the following facts:

(a) That in the lines of industry mentioned above the American workman is poorer paid for what he accomplishes than the English laborer.

(b) That while the daily wage of the American laborer may be more, he is no better paid when you take into consideration what he produces for his employer. That is to say, relatively speaking, he gets no better wages when his productivity is taken into consideration, because he produces more wire, more cutlery and tools, more yards of cloth, more linen, jute, and hemp goods, more woolen and worsted goods, more silk, hosiery, and other commodities than the English laborer. The American laborer does not get as much for making a thousand pounds of wire as the English laborer; nor as much for weaving 1,000 yards of cloth as the English weaver; nor as much for his labor in producing 100 pair of hose, 100 knives, 100 watches, 100 handkerchiefs, or 100 pair of boots or shoes, and this is true in practically every other line of industry.

Gloves and the manufacture of railway cars furnish the only exception.

(c) For adding $1,000 to the value of the material he is processing the American laborer gets a smaller compensation than the English laborer. Or to state the matter in a different form, for creating $1,000 worth of new wealth for his employer, the American laborer gets a smaller compensation than the English laborer engaged in the same line of work.

A few detailed references to these statistics will be sufficient to emphasize the fact that when the productivity of the American laborer is considered, he is poorer paid than the English laborer. For instance:

In the manufacture of wire, for every $1,000 added by a manufacturer, the American employer pays $401 wages, while the English factory owner pays $498 or $97 more.

The American tin-plate worker for every $1,000 added by manufacture, the workman receives $545, while the English workman for the same service gets $744 or $199 more.

In the manufacture of cutlery and tools, for every $1,000 added by manufacture, the employer pays $490 for wages, while the English manufacturer of cutlery and tools pays his workmen for the same service, $640, or $150 more.

In the manufacture of cotton goods, for every $1,000 added by manufacture, the American factory owner pays $516 for wages, while for the same identical service the English textile mill owner pays $597 wages, or $81 more.

And, quoting from the dictionary of tariff issued by the United States Tariff Commission:

It may seem from the above table that, despite higher wages in the United States, producers' labor costs in this country were in general relatively lower than in England.

The makers of gloves and railway cars in the United States were the only two groups of workmen who were receiving less for processing $1,000 worth of raw material than the same class of workers in Europe.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. GIFFORD. But did it take those people twice as long to do that as it took the American labor?

Mr. LOZIER. No; because American labor is more productive and more efficient, and the gentleman knows that whether or not one wage is higher than another depends on how much each produces. Suppose the gentleman and I are working side by side, and he operates 10 looms, produces 100 yards of cloth, and gets $5 wages for that work, and I operate 5 looms and produce 50 yards of cloth. I get only $2.50 a day; will the gentleman contend that he is getting higher wages than I? He gets twice as much but does twice as much work and produces twice as many yards of cloth. You must take into consideration the productivity of labor, and there never was a time when American labor did not produce more commodities in a given number of hours than his European competitor.

Mr. GIFFORD. If a workman produces a certain amount of wealth, you should take into consideration the weekly wage. The amount paid has nothing to do with it.

Mr. LOZIER. Oh, yes. The amount of wages affects the production costs. The manufacturer says, "On account of the high cost of labor I am not able to fabricate these articles here in competition with the labor of Europe. Yet Mr. Blaine, and Mr. Frelinghuysen, and Mr. Evarts and practically every authority on political economy say that when you reduce this matter to a production basis you will find that the production cost of manufactured products in America is generally less than the production cost in Europe.

I quote again from the publication mentioned a few minutes ago:

The fact is that, while workmen in foreign potteries receive less in wages than the American, they do not give as valuable a return for their wages.

The Tariff Board reached the following conclusions in regard to cotton manufacturers:

It may be stated that, in the case of a large variety of plain goods, the labor costs of turning yarn into cloth in the United States is not greater, and in some cases lower, than in England. For cloths woven on automatic looms this is especially the case.

And again the Tariff Board said:

Wages are much higher in the United States, but wages are in themselves no necessary indication of relative cost of production. Frequently it is found that high wages and low labor costs go together.

And in discussing the cost of producing silk in Japan, the United States Tariff Commission in 1921 made a report as follows:

The average Japanese cotton mill pays each operative a wage amounting to about one-fifth of that being paid in the Southern mills of the United States, where products are most nearly similar to those in Japan. Owing to the necessity of employing about four times as many workers in order to operate the same number of spindles or looms and accessory machinery, the total wage cost to the average Japanese mill of operating a given amount of machinery per 10-hour

day amounts to between 70 and 80 per cent of the similar cost to the American mill.

Moreover, the low skill of the operatives impairs the production of the finest grades of goods.

OUR SO-CALLED INFANT INDUSTRIES

As to the necessity of protecting infant industries by high tariff laws, I will say that there might have been some merit in this argument a hundred or more years ago, when we did have some "infant industries," but that argument is not now appealing in view of the fact that our so-called infant industries have now grown into giant monopolies that earn enormous profits and dominate not only our domestic markets but successfully contend for their share of the trade in lands beyond the sea.

John Stuart Mill, the great English philosopher, though vigorously opposing the protective theory, conceded that it might be a wise policy for a young nation, whose industries had not been firmly established, to grant a reasonable degree of protection for the benefit of their embryotic industries. This so-called infant-industry theory was advanced by Alexander Hamilton in his celebrated report On Manufactures a few years after the enactment of our first tariff law. It was developed by Daniel Raymond and afterwards amplified and reduced to a theoretic formula by Friedrich List, a German economist. The doctrine proceeds on the theory—

that just as children need the fostering care of their parents during the period of infancy, so the feeble and newly started industries need to be carefully protected during their years of weakness.

But it can not be seriously contended that our American industries are feeble or newly started enterprises. They have emerged from the infant and adolescent period and are now adults, fully grown, vigorous, able to take care of themselves in any contest with any of the industrial forces of the world. Instead of being infant industries they have become powerful trusts, earning wealth and commanding power of almost inconceivable proportions.

In the language of Professor Seligman:

With the lapse of every decade and the growth of the infant industries into lusty manhood the argument becomes continually weaker, and protection becomes less defensible as a permanent policy.

Indeed, no well-informed political economist or advocate of the protective system now uses the so-called infant industry argument, but it has given place to the new doctrine of "variegated production" argument which discards one point in the Hamilton-Raymond-List theory but accepts the other. The "variegated production" argument features the idea of national industrial independence and a so-called, well-rounded economic development.

Professor Fetter, of Cornell University, has this to say about the infant industry argument:

In the American colonies the manufacture of iron, cloth, hats, ships, and furniture sprang up not only without protection but despite numerous harassing trade restriction made in the interest of the English merchants; and they continued in some cases despite their absolute prohibition by Parliament. Can it be doubted that many of these industries would have developed and flourished in America under no fostering influences than those of rich resources and of economy in freights. * * *

Industries capable of eventual self-support must in most cases naturally appear in due time. It is a trite but valid remark that protective tariffs are often like hothouse culture, anticipating the season by a few weeks and at great cost.

DO HIGH TARIFFS REDUCE THE PRICE TO AMERICAN CONSUMERS OF COMMODITIES PRODUCED IN AMERICAN FACTORIES?

In answer to the question, does protection tend to cheapen manufactured products, David A. Wells answers:

One answer to this is, that if protection is to be recommended because it leads ultimately to cheapness, it were best to begin with cheapness. Another answer is to be found in the circumstance that not a single instance can be adducted to show that any reduction has ever taken place in the cost of production under a system of protection, through the agencies of new inventions, discoveries, and economies, which would not have taken place equally soon under a system of free trade; while, on the contrary, many instances can be referred to which prove that protection, by removing the dread of foreign competition, has retarded not only invention but also the application and use of improvements elsewhere devised and introduced.

I may add that if the protectionist really believed that higher rates would reduce the price of their manufactured products they would not swarm about the Capitol demanding an increase in tariff schedules. And again if the protective tariff system makes the price of manufactured commodities cheap in the United States, then by the same process of reasoning free trade should make commodities higher in England, but on the contrary, prices of manufactured commodities are lower in England than in the United States. The fundamental reason advanced for a protective tariff is that it enables the manufacturers to sell their commodities at a higher price than would obtain without such tariff.

By enacting this measure the Republican Party does not fulfill the promise Mr. Hoover made to the American people. Instead of relieving the distress of agriculture, it adds to the living expense and burdens of the farmer. It will substantially add to the cost of the supplies the farmer needs and must buy. It will widen the gap between the price the farmer gets for his commodities and the price he pays for his supplies. In only a few particulars will the tariff on farm products be effective. It can not be effective as to wheat, corn, and beef unless provision is made for control of the surplus, and this is not done. By this bill the farmer is being hoodwinked again. I can not vote for it. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. EATON]. [Applause.]

Mr. EATON of New Jersey. Mr. Chairman, ladies and gentlemen of the committee, I have listened, as we all have, to this discussion, and I still believe in a protective tariff. [Applause.] We have ranged all the way from the Stygian gloom that shadowed the mind of the distinguished gentleman from Illinois [Mr. HENRY T. RAINEY], in which he laid down the doctrine that this bill was conceived in sin and shapen in iniquity and is entirely bad. We have ranged from that depth to the lofty optimism expressed to us by the distinguished chairman of the committee. In spite of these confusing arguments on both sides I wish as a Member of this House and as a Representative from New Jersey to express my personal thanks to this committee for the very difficult task they have performed in our service. They have been forced to traverse the entire economic structure of the Nation, which is so vast, so complicated, and diversified and which is connected with such tremendous world issues that it seems to me almost beyond human capacity for them to have brought any kind of a bill before us.

I wish, speaking as a Representative of the State of New Jersey, first of all to express the views of our people on this bill so far as I have been able to determine them. While we are a great agricultural State, measured by area the first in this Nation, our farmers are not in the forefront of those who are clamoring for farm relief. We have conditions that are favorable. We lie between the two greatest markets in the country; we have a great consuming population at our door. Our people have immense interests in dairying, in fruits, vegetables, and in grains, and while they are hoping for some relief from this bill they are meanwhile manfully and heroically undertaking to work out their own salvation within the limits of the State. They are seeking continually for better transportation, for better organization in marketing, better information to be applied to their problems and they are making progress; but they hope to have some help from this bill.

While we have a great agricultural State we are also among the first in industry. We have over 8,000 industrial plants; we employ over 400,000 workers; we pay them over a half billion dollars in wages; and we produce three and half billion dollars worth of goods every year within the limits of our little State of less than 8,000 square miles. During the first nine months of the present fiscal year the citizens of New Jersey have paid in taxes to the Internal Revenue Department of this Government several million dollars more than 22 other States of this Nation combined. So when I come here representing those people I can say truthfully that we have a right to ask for consideration in this bill concerning our chief problems.

First of all I want to report that the people of my State are strongly in favor of a duty on bricks and cement. [Applause.] We have in my district, which is recognized as highly intelligent, a great brick industry. There is an investment of $15,000,000 in that industry and it employs over 1,000 people. We use coal from a number of mines and we give to the railroads a great tonnage in transportation. At the present rate—and I have made a careful examination of these facts—of the importation of bricks, rough bricks, brought over mainly as ballast, in five years we would not have a brick produced in our district, and personally, as an American and as a Representative of our people, I am in favor of any legislation which will save this industry to our people, which is our first duty, of course.

Now, the same may be said of the tariff on cement. That has been argued here. We heard a very able argument about it this morning by the gentleman from Iowa, but I do not know whether his argument was for or against it. However, it was an argument. At any rate, we in New Jersey are in favor of a

duty on cement for the same reason that we are in favor of a duty on brick.

There is no time to take up in detail—and I would not ask your attention if I had the time—the question of a tariff on boots and shoes. That has been ably presented by the gentleman from Massachusetts [Mr. ANDREW], and we are interested in that. We are interested in woven wire and other steel-wire products. We are interested in shingles and other lumber items. We are vitally interested in them, and our people, like the people of all the States, want a tariff on one kind of thing and no tariff on another which will be good for them. That is what this bill is for, to find some way of doing something that is good for each section of the country.

I wish, however, to lay emphasis upon two items, both of them somewhat controversial. The first is with reference to a duty on manganese ore. I understand, of course, that there are Representatives here who are strongly in favor of a high duty on manganese ore. Manganese ore, as you know, and its processed product, ferromanganese, are absolutely necessary in steel making. From 400 to 550 pounds of ferromanganese go into the production of every ton of manganese steel castings produced and from 15 to 20 pounds in ordinary steel. While there is no objection to a reasonable duty on ferromanganese, there are, in my judgment and in the judgment of my people at home, two cogent reasons why there should be no duty on manganese ore.

I give you these facts. There will be no difficulty for somebody else to bring facts in here exactly opposite, and you will have to take your choice. I wonder that the members of this committee have retained their sanity as they have listened for two months to arguments and facts and figures contradicting each other continuously, and all supported by the highest kind of moral rectitude. But the facts I have to present were presented by an independent committee of geologists and metallurgists and engineers from the Mining and Metallurgical Society of America and the American Institute of Mining and Metallurgical Engineers in 1922.

They found that the metallic content of manganese ore reserves in the United States, proved, possible, and probable, using their phrase, does not exceed one million and a half tons. I give these facts on that authority. In the last six years our domestic consumption of manganese metallic content was over 2,000,000 tons, of which 101,000 tons, or 5.6 per cent, was produced in the United States. The rest was imported. It is estimated that our domestic consumption of manganese ore in the next five years will exceed two and a half million tons or one million more than our total available domestic reserves.

It seems to me if these figures are correct—and I have no reason to question them—we ought to conserve our entire domestic manganese ore resources, much of which is of low manganese content, for our protection and use in the event of war, and we ought to put manganese ore used in such large quantities in our essential industries, which is shipped to us from Brazil and Russia and India, on the free list.

I want now to say a word about the pottery industry. New Jersey is the second largest pottery center in this country and the largest center in New Jersey is in my district.

Mr. SUMMERS of Washington. Will the gentleman yield before he leaves the subject of manganese ore?

Mr. EATON of New Jersey. Yes; I will be pleased to yield.

Mr. SUMMERS of Washington. I think the gentleman must be mistaken about the amount of manganese ore in reserve in this country. I believe there is immeasurably more than the amount referred to by the gentleman out in the State of Washington, as well as similar deposits in a number of other States, so I think we do not need to conserve it, but to utilize it.

Mr. EATON of New Jersey. The authorities I quote are geologists and metallurgical engineers, and I am neither. If they are wrong and you will enlighten them, I know they will be grateful to you, Doctor.

In the pottery industry in New Jersey we are facing a crisis. The gentleman from Iowa [Mr. RAMSEYER] this morning very ably described a change in pottery manufacture. He described the tunnel kiln. The tunnel kiln is the beginning of improved methods in pottery production in this country, and there is no doubt that the industry needs a great improvement in its methods. But here is a singular fact.

It takes a crew of about 10 men to run one of these kilns. They get $5 a day, and the output of that kiln costs in labor, which is from 60 to 75 per cent of the cost of a pottery article, $50. In Germany they have the same kind of kilns, and let me say here that the great German nation is coming back strong, because more than any other country in the Old World it is developing an ability to mass its intellectual resources and its scientific knowledge in the interest and service of its people and of their commerce.

In Germany they have these tunnel kilns, and they are manned by 2 men who receive $1.25 a day apiece and by 10 women who receive 50 cents a day apiece; that is to say, the crew on that kiln over there competing with us receives $7.50 for their labor while our crew gets $50. This is what we are facing.

Gentlemen, the problem in pottery, as in many others, is a problem of the wage levels. We pay in this country an average of 70 cents an hour to a pottery worker. They pay in England 22 cents. They pay in Germany 17 cents. They pay in France 10½ cents. They pay in Poland 9 cents. They pay in Japan, our greatest competitor, 8 cents; and they pay in China 4 cents.

The distinguished gentleman who just spoke to us appeared to believe that the wages of labor are paid out of capital. There is only one source for the wages of labor, and that is in the production of the worker; and the reason we have a higher wage in this country—or one of the reasons—is that we have great machinery and great power and fine management and unlimited capital and magnificent cooperation between the worker and the management; and the result is that at the end of the day the American worker has produced the largest mass of commodities of any worker in the world. [Applause]. And out of this he receives the highest wage. And because he has the highest wage he has a surplus, and because he has a surplus he is able to reinvest that in the commodities that are produced by his fellows in other walks in life.

The pottery industry is going before the Ways and Means Committee to ask for some changes in their schedules. I hope they will receive us kindly, and, possibly, may do something for us.

I wish to turn from these local considerations to what seems to me, at least, to be the supreme central question which is brought before us by this tariff revision.

Gentlemen, I have been impressed with a kind of confusion and unconscious embarrassment which seems to lie back of the minds of most of the men who have discussed this subject. I find it in the bill itself and in the report itself. Why? Because for the first time in our history we are making a tariff bill under absolutely new conditions.

What is the first tremendous change in our world relationships to be affected by this tariff? It is the fact that we have become in the last decade the chief creditor Nation of the world, whereas in other days we were always a debtor Nation. We have ten or fifteen billion dollars owing to our Government from other governments in the world. We have invested in private enterprises in other nations over $11,000,000,000, and the folks that have made this investment are beginning to wake up and ask themselves a very pertinent question—how are they ever going to get their money back? And when you come here and face the problem of raising the tariff you are facing the problem of putting a tariff against the folks that owe you money. At this point emerges the problem of good will as affecting our foreign trade. This will please my friend, Mr. GARNER, of Texas, but I have to admit that it is there. Tariff or no tariff, high or low, the fact is that as a creditor Nation we are confronting a new problem in tariff making.

There is another and still profounder consideration affecting this whole matter, and that is that we are concerned here with the consuming capacity of the masses of men. Here is the central economic problem of the world to-day—not production, but consumption—the increase of buying power among the masses of men.

The rich man is of very little value in consumption. He can buy a few luxuries like diamonds and yachts but he can wear but one suit of clothes at a time. He can only eat a small portion of food. He can only occupy one space at a time. It is the high buying power of the masses of men that forms the rock-bottom foundation of our magnificent economic structure in this country.

We have gone far toward solving this problem of buying power. And we have solved it by setting up the highest wage level that the world has ever known. That is what we have got at stake.

I am a high-tariff man and I am going to vote for this bill, but I have serious doubts if any tariff rates conceivable by man will be able to keep the high wage level now established in this country without devising at the same time some means of bringing other nations up to our level. Either we are going down or they are coming up. Whether we want to face it or not, that is the tremendous disturbing fact in the economic condition of the world at the present time.

That brings me to a thing that I am most in favor of in this bill, and that is the flexible clause.

I will illustrate my view in two ways: Czechoslovakia five years ago sold to the United States 447 pairs of shoes. Last year they sold a million and a half pair. They pay in Czechoslovakia starvation wages. They have a tariff against our shoes. An inflexible American tariff rewards Czechoslovakia for destroying our shoe industry.

Take Cuba, halfway between Czechoslovakia and the other extreme. Cuba is in a real sense a ward of this Nation. In many ways we more than any other country in the world are responsible for the well-being of Cuba. In 1927 Cuba exported $322,000,000 worth. We took 79 per cent of that. Cuba imported that year $257,000,000, and we sold her 60 per cent of that. We are about to put a duty on sugar, that is the sum total and foundation of economic prosperity in Cuba. Out of that industry comes 70 per cent of the buying power of the Cuban people.

We have a right to do it and we may be under the necessity of doing it. My people in New Jersey are not going to be strong for it unless they are assured that the American companies now engaged in the processing of beet sugar are not making abnormal profits and really need protection and, further, that the proposed increase of our duty on Cuban sugar will not destroy the purchasing power of the Cuban people.

Mr. COLTON. Before the gentleman leaves that will he yield?

Mr. EATON of New Jersey. Yes.

Mr. COLTON. I understand that the imports from Cuba are practically twice our exports to Cuba, so that even our present arrangement gives that country an advantage that no other country in the world has against us.

Mr. EATON of New Jersey. I am glad to have that ray of light introduced into the Stygian gloom of my remarks.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. EATON of New Jersey. Yes.

Mr. GARNER. Take your Czechoslovakia illustration. Under this proposed bill you would have no remedy under the flexible clause.

Mr. EATON of New Jersey. No; and that is why we want a tariff on boots and shoes, if you will let us have it.

Mr. GARNER. You will not give us a chance.

Mr. EATON of New Jersey. We will have to talk to the committee.

Mr. GARNER. The gentleman should address his remarks not to me, but to the committee that is making up the bill, to the exclusion of the Democrats.

Mr. ARENTZ. And if I remember correctly the gentleman from Texas [Mr. GARNER] said a few days ago something to this effect, that the President of the United States should not be given any more power with regard to a tariff bill, and if you have the flexible provisions of the tariff extended that is what you will do.

Mr. EATON of New Jersey. Of course, and while theoretically we are all deeply shocked at the suggestion of increasing the bureaucratic power of the Executive branch of our Government, yet we spend most of our waking time here in endeavoring to give it more power.

Mr. GARNER. And does the gentleman believe in that policy?

Mr. EATON of New Jersey. No.

Mr. GARNER. Then why does he go to the extent of taking away from Congress the power under the Constitution of levying taxes and repealing taxes?

Mr. EATON of New Jersey. I do not.

Mr. GARNER. But the gentleman is advocating it now when he advocates the flexible provision.

Mr. EATON of New Jersey. Oh, the gentleman is about three laps ahead of me. I have not yet made my statement. I thank the gentleman for his amazing gift of knowing what I am going to say, when sometimes I do not even know myself. [Laughter.]

Let us take Canada now. The agricultural relief, so far as this bill goes, consists largely as far as I can see, in protecting the downtrodden and oppressed agriculturist of our country from a dangerous onslaught on the part of those Canadian people.

Let us face the economic relations that lie between this country and Canada. Last year Canada was the best customer and the largest customer that this Nation had. She purchased from us $825,000,000 worth of goods and we bought from her $492,000,000 worth of goods, leaving a balance in our favor of $333,000,000. The Canadian people purchased from us last year at the rate of $82.50 per head of their population. Of course, there are invisible arrangements like the thirsty Americans that cross the line to become liquidated, and other matters of that kind in the way of tourist traffic, but the fact is that with 10,000,000 people Canada is the best and largest customer outside of this country that we have in the world.

Let us look at some of these imports and exports. Canada imported last year from the United States agricultural and vegetable products to the extent of $103,000,000, and she sold to the United States agricultural and vegetable products to the extent of $57,000,000. She bought from the United States $77,000,000 of fibers and textiles and sold $4,600,000 to this country. She bought from the United States $289,000,000 of iron products and sold us $9,000,000 worth. She bought from us of nonmetallic minerals $126,000,000 and sold us $16,000,000 worth. In farm implements she bought $48,000,000 from us and sold us $3,200,000. In automobiles she bought from us $91,000,000 and sold us $215,000, just a mere nothing. She bought from us $1,500,000 worth of binder twine and sold us less than half a million dollars' worth. She bought from us $6,000,000 worth of aluminum and sold us none. She bought from us $50,000,000 worth of machinery and sold us $275,000 worth. She bought from us $1,156,000 worth of boots and shoes and sold us $281,000 worth.

I am for anything that will put agriculture in this country on a level with industry, and it will not be very high then. We have just gotten started. We have not reached any economic millenium, and this bill will not usher in the Kingdom of God here or anywhere else. But we are on the way. I am in favor of any legislation which will assist the vast agricultural interests of this country to march from the gloom which has enwrapped them in the past years; but while we take that stand we have to face the fact that a tariff which is exactly the same against Czechoslovakia and Canada on the one hand penalizes our best customer and on the other rewards our worst. That seems to be, in the very nature of things, an economic absurdity. It is a breeder of ill will, and in private business would be labeled as undiluted stupidity.

I think it is the duty of American organized labor to take a leaf out of the book of the Soviet and send their missionaries to the other nations of the world to tell them how and why American labor is the highest-paid labor in the world. There is only one way in which we will finally solve the economic problems that confront us to-day, and that is not by some local titillation, not by some little local palliative, but in the last analysis we can only solve the economic problems of our own country and of mankind by forcing or leading or helping the other nations of the world to achieve a buying power commensurate with our own. [Applause.] When we do that we can buy anything that they have and pay for it, and they can buy anything we have and pay for it. I am willing under those conditions to back the American farmer and the American workman against any similar worker on earth.

I would begin with Canada, because the buying power of the Canadian people more nearly approximates our own than any other country. This flexible scheme is just in the beginning; it is tentative; it may be right; it may be wrong; and most of us are wrong a good deal of the time.

I have lived long enough to believe that the man who is right half of the time is a genius. We may cherish the delusion that we are right most of the time. I may be wrong; but as I look forward I see this Nation inevitably taking its place as the leading world power. I see our country tied up in world relationships that must dominate us each and every day. And our problem is to retain the achievement we have made in the distribution of wealth among the masses of men so that we have the greatest buying power in the world. We should begin with Canada, because she has the highest buying power next to our country in the world. And she has that because she has the same wage levels that we have.

I believe in giving the Canadians a square deal and then go down the line and inspire or educate or, if necessary, force low-wage countries competing with us to pay adequate wages instead of sweating their workers. In that way alone can those peoples buy automobiles and other commodities as we do and thus become consumers of our products as Canada is.

We have upwards of 20,000,000 people holding industrial and utility securities. We have around thirty billions of money in our savings institutions, put there by 50,000,000 depositors. We have ninety-five billions in life insurance.

In all this Canada stands next to us. We ought to join with Canada in proclaiming the gospel of high consuming power among the other nations and not reduce Canada to the same level as Japan or China under the terms of an inflexible tariff.

When that time comes we shall have achieved a place of moral leadership among the nations which, in my judgment, can never be achieved by mere legislation, tariff or otherwise. [Applause.]

Mr. GARNER. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 20 minutes.

Mr. LANKFORD of Georgia. Mr. Chairman and ladies and gentlemen of the committee, I asked the Democratic leader for this time in order that I might present some observations concerning the present tariff bill, concerning the so-called farm relief bill, which has passed the House and is now reported back from the Senate, and concerning the present session of Congress which has been called by the President of the United States for the purpose of putting agriculture on an economic parity with other industries.

I shall make these observations for three reasons: First, with the hope of encouraging those who are making a fight for the farmer and the common people to put forth greater efforts, and, if possible, to lead some of those who are not rendering a real service to the farmers of the United States and who feel that the farmers are not worthy of their best efforts to turn before it is too late and recognize the farmer at his true value and position. I sometimes have very little hope along this latter line, and yet I know it is true—

As long as the lamp holds out to burn
The vilest sinner may return.

Again, I wish to make this statement for the purpose of going on record and letting this Congress know and the country realize that this humble Member of this House has very little faith in the farm bill which was passed and believes that the present tariff bill will heap up the farmer's burdens more than it will relieve him, and when this special session of Congress adjourns the farmer will be worse off than he was when the session was called.

Again I wish to make this statement in order that future generations may know that when I passed this way and considered these bills that are before us now, I had certain definite thoughts concerning them, and that I expressed these views and felt that neither the Democratic Party nor the Republican Party were measuring up to the high standard as legislators that they promised to the farmers of the Nation in their platforms.

Both the Democratic Party and the Republican Party promised to the farmer, it is true, the enactment of certain laws, but they said that those laws would put the farmer on an economic parity with other industries. I do not believe the farm bill that we have passed will do that. I know that the tariff bill which is now before us will change and improve the economic position of the manufacturing interests and not the interests of the farmer.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD of Georgia. Yes; I gladly yield to my good friend from Illinois.

Mr. WILLIAMS of Illinois. May I ask the gentleman what specific promise was made in either platform as to the kind of legislation to be enacted that has not been reasonably carried out by the present House of Representatives? When I read both platforms I am of opinion that our legislation squares with the platforms of both parties.

Mr. LANKFORD of Georgia. The platforms were largely confined to platitudes to please the farmer, promising to put him on a parity with other industries. Then we passed the so-called farm relief bill here, which will not in any sense of the word put the farmer where both Democratic and Republican Party platforms promised to place him.

Mr. WILLIAMS of Illinois. Both parties promised to create a farm board and to establish cooperative marketing. That has been done in the farm relief bill. Both parties promised to furnish ample resources in order to set up those things. Those promises have been written into the bill which was passed by the House.

Mr. LANKFORD of Georgia. That is true, but both parties promised the farmer that they would create a board and put at the disposal of that board enough money to not only do these things but also to place the farmer on a parity with other industries.

Mr. WILLIAMS of Illinois. That is what we have done.

Mr. LANKFORD of Georgia. No; I doubt it. You have given that board unlimited power and have said to the board, "We do not know what in the world to do with the farm problem, but we hope you will find out what to do about it and will do it."

Mr. WILLIAMS of Illinois. We have put into the law a measure that will establish cooperative marketing associations. Those were the things we specifically promised in both platforms.

Mr. LANKFORD of Georgia. You promised to go farther and place the farmer on a parity with other industries. Do you think this tariff bill places the farmer on a parity with other industries?

Mr. WILLIAMS of Illinois. I think it goes a long way in that direction, and I think the farm bill will help the farmer to reach an economic parity with other industries.

Mr. LANKFORD of Georgia. I think this tariff bill gives some increases to farmers that are really worth while, but the great trouble with the tariff is that so far as the farmer and the ultimate consumer are concerned, every time you give them $1 you take $10 out of their pockets.

I will say to my good friends here that you can not write a tariff bill for my section which will place the farmers of my section on a parity with other industries while you write a high tariff on all manufactured articles. You can not do it. If you were to put an embargo on every commodity grown in the State of Georgia you would yet not be able to raise the farmer to a parity with other industries by a tariff when you put a tariff on the other manufactured articles which are written in this bill and which are protected in the bill. I am convinced we can never solve the farmer's problems by a protective tariff. I am convinced that there is no way under the sun, by this tariff bill, for us to do anything for the farmer of my section more than offset, to some extent, the evil effects of the vicious provisions of the bill. In so far as the South is concerned, if you were to write a tariff which would amount to an embargo on the farm products, yet when you put your high tariff on the manufactured articles the farmer would lose more than he would gain by a tariff bill. Then, again, the farmer never gets a square deal in the writing of a tariff bill; the farmer never gets a square deal in the preparation and in the presentation of a matter before the committee. I do not wish to say that the members of the House Committee on Ways and Means are dishonest, but what I do mean to say is this, that the great interests of the country, the manufacturing interests, the great steel corporations, are able to come before that committee with greater pressure than the farmers. The average farmer only realizes that he will lose a small amount by the tariff and he can not afford to employ a lawyer to come before the committee. The average consumer says, "Oh, well; they may run the price of my sugar up, but maybe my Congressman will take care of it." He can not come and make a presentation for the consumers of sugar.

Mr. MICHENER. Will the gentleman yield?

Mr. LANKFORD of Georgia. I will be glad to yield to my friend.

Mr. MICHENER. Do not the farm organizations appear here by experts and by their Washington representatives, men selected by the farmers themselves who remain in Washington the year round, who maintain bureaus to study these matters, and do not these organizations bring to the committee all the information which the farm experts have?

Mr. LANKFORD of Georgia. Well, that is true; they bring information to the committee, and yet that farm bureau does not have the money back of it that is back of the big corporations, with their millions of money; they are not able to get the experts and they are not able to make campaign contributions which will make the people who sit on the committee feel as kindly toward them as they do toward the big corporate interests. After all, they do not get a square deal. You take the Interstate Commerce Commission, for instance. The railroads are able to go there with abler lawyers than the man who rides on a ticket. The railroad people go there with abler lawyers than the man who pays the freight down in my district. In other words, great wealth, great corporate wealth, if you please, is able to hit sledge-hammer blows for every ounce of weight that the farmer is able to put on any committee.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. LANKFORD of Georgia. Yes.

Mr. WILLIAMS of Illinois. My understanding is that the farm organizations throughout the country, in the main, have recommended an increase in the tariff on sugar. Am I mistaken about that?

Mr. LANKFORD of Georgia. Some of them evidently believe this would help the farmer who grows cane and beets.

Mr. WILLIAMS of Illinois. As far as I know they are unanimous in their indorsement—at least in our section of the country—of an increased tariff on sugar.

Mr. LANKFORD of Georgia. That may be true.

Mr. WILLIAMS of Illinois. The gentleman was suggesting that the farmers were being overreached in the duty that was placed on sugar when, as a matter of fact, they came here

and through their representatives appeared before the committee and urged an increase in the rate on sugar.

Mr. LANKFORD of Georgia. I was not intending to go into a discussion of any specific item in the bill. I am just arguing the proposition generally that in all these matters wealthy people come with briefs and with lawyers and have more force before committees and before various boards than the farmer and ultimate consumer, and the farmer is not as fully heard as is great wealth, which is insisting that certain rates be put on. This is true in committee hearings, board hearings, and in commission trials.

I know that the hearings by the Ways and Means Committee on the tariff bill, for instance, were held just down the hall from my office, and I know that very few farmers went down there to represent the farmers, but I saw dozens and hundreds of men with large brief cases proceeding down that hall and standing around the door so you could hardly get past the door while the hearings were going on, and nearly all of those men were representing the big interests of the country.

Mr. MICHENER. Will the gentleman yield?

Mr. LANKFORD of Georgia. I am glad to yield to the gentleman.

Mr. MICHENER. Does the gentleman minimize the fact that the farmers are represented here by certain distinguished Representatives as the gentleman now speaking, who has the privilege of the floor of the House and who takes advantage of that privilege two or three times a week to speak for the farmers, while these other men must go before the committee?

Mr. LANKFORD of Georgia. I thank the gentleman very much for that statement and I was just coming to that part of my argument. The farmers' only hope are the Representatives in Congress, and when you bring in a bill like this tariff bill and bring in a rule to shut off their right to offer amendments, you deprive the farmer of the only hope left to him. [Applause.]

Mr. MICHENER. Does not the gentleman appreciate the fact that it takes a majority of the House, expressing the will of the Members of the House, who are the Representatives of the people, to bring in any rule?

Mr. LANKFORD of Georgia. I realize that it takes a majority of the House to bring in a rule.

Mr. MICHENER. It will be majority rule and it will be a majority of the Representatives of the people speaking.

Mr. LANKFORD of Georgia. Yes; and I realize another thing just as fully. You do not appeal to all the Members of the Congress to vote for a bill just because your farmers want it done. The appeal is made that you had better stand with the Republican Party, and that same appeal has been made on my side when the Democratic Party was in power—that we ought to stand with the Democratic Party. The appeal is made that you ought to stand with your party regardless of what is right, and not to embarrass the President. I certainly would not embarrass the President of the United States. I said before Mr. Hoover was nominated that I hoped the Republican Party would nominate Mr. Hoover, because if the Democrats did not elect a good man we would then have a good man elected by the Republicans, and I saw in the Washington Post the other day a cartoon representing two men, one supposed to be a United States Senator and one supposed to be a Member of the House of Representatives, and they were saying to each other in this cartoon, "I wonder now what we can do to further embarrass the President."

I can tell you what you can do to further embarrass the President. I will gladly tell you what to do not to embarrass the President.

Mr. MICHENER. Did that make such an impression on the gentleman's mind that he is now trying to carry out the thought expressed in the cartoon?

Mr. LANKFORD of Georgia. No; but it made an impression on my mind so that I can tell you what to do if you want to embarrass the President. If you want to embarrass the President just pass this farm bill and the present tariff bill, without giving the farmers a square deal and raise the duties on manufactured articles, as they are raised in this bill, and then let the people of the country find out just what is in the bill, and you will embarrass the President in that way much more than you would embarrass the President if you were to write a good bill, and bring in a rule which would open the bill up for amendment and give the representatives of the people, Mr. MICHENER, the right to be heard. That is their only hope. You are right about that. That is the only hope they have. Please do not cut that off, but give us a chance to offer whatever amendments we may wish to offer to the bill, perfect the bill, and when you do that and pass it, President Hoover will not be embarrassed, but will be well pleased, because then Congress will have passed a really worth-while bill.

Mr. WILLIAMS of Illinois. The gentleman does not think the President is going to be embarrassed by anything we do here—we may be embarrassed.

Mr. LANKFORD of Georgia. No; the President will not be embarrassed unless this body, Brother WILLIAMS—and that means you and the other Republican Members of the Congress—put in this bill items which do not give the farmers a square deal, but give the manufacturers more than they should have, and then President Hoover, although he might not indorse those specific items, may say, "I do not want those items in the bill, but I will sign the bill." Then later on this would become a reason for the farmers of the country losing faith in that good President of yours and you would then embarrass him.

Mr. WILLIAMS of Illinois. Did you gentlemen read the speech on the tariff made by Governor Smith at Louisville, Ky., during the campaign?

Mr. LANKFORD of Georgia. Yes; I read practically all that he said and heard a good deal of what he said over the radio.

Mr. WILLIAMS of Illinois. You know what he talked on at Louisville?

Mr. LANKFORD of Georgia. Yes.

Mr. WILLIAMS of Illinois. He talked about the tariff and undertook to assure the country that the Democratic Party was a protective tariff party, and I understood that subsequently telegrams were sent out to all the Democratic candidates for Congress asking them to approve of that position, and I would like to know if you received that telegram.

Mr. LANKFORD of Georgia. Absolutely; and that was about the only thing I agreed with Governor Smith on. So, when I was requested by Governor Smith's headquarters to wire whether or not I approved his position, I wired my full approval of this position on the tariff.

Mr. WILLIAMS of Illinois. He agreed, practically, as the country understood, with the Republican position on the tariff and you O. K'd that position?

Mr. LANKFORD of Georgia. He agreed to a protective tariff.

Mr. WILLIAMS of Illinois. And that is what the gentleman stands for?

Mr. LANKFORD of Georgia. I am in favor of a protective tariff, but I am not in favor of a profiteers' tariff. [Applause.]

Mr. WILLIAMS of Illinois. Oh, I see the point. [Laughter.]

Mr. LANKFORD of Georgia. I am for a tariff to protect the manufacturer, a tariff to protect the laboring man and the farmer, and one that will give all the people a square deal.

I will tell the gentleman what I did. I voted for the emergency tariff bill some time ago when, as I now remember, I was the only Member from my State to vote for it. I will vote for the present bill if you will amend it so I can possibly vote for it.

Mr. WILLIAMS of Illinois. I will tell the gentleman what he intends to do. He will vote for amendments giving rates to people he is interested in, and then he will vote against the bill on the final passage.

Mr. LANKFORD of Georgia. I will tell the gentleman what I will do if the bill ever gets to a place where I honestly believe it has more good in it for the common people than for the big manufacturing interests—I will vote for it.

Mr. WILLIAMS of Illinois. We never hope to convince the gentleman of that fact.

Mr. LANKFORD of Georgia. The gentlemen's party convinced me that the emergency tariff bill was good enough to merit my vote and I voted for it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD of Georgia. I ask for two minutes more, to yield to my good friend, Mr. HOGG, who is standing, seeking to ask me a question.

Mr. GARNER. I yield to the gentleman two minutes more.

Mr. HOGG. Will the gentleman yield?

Mr. LANKFORD of Georgia. I will yield to the gentleman.

Mr. HOGG. I have listened with a great deal of interest to the gentleman's remarks, and I always read his speeches in the RECORD with pleasure. He has stated that it takes a brief case and corporate wealth to get a satisfactory schedule out of the committee. For my information and the information of the House I would like to have him explain why it was they gave the onion growers 75 per cent increase when they did not have any brief case or representative of corporate wealth?

Mr. LANKFORD of Georgia. Oh, well, the Ways and Means Committee writes some good schedules. They did pretty well, for instance, on peanuts. I wish they would make the rate, though, a little higher on peanuts. [Laughter.]

Mr. HOGG. Being a member of the Post Office Committee I read with a good deal of interest a scheme by the gentleman from Georgia for the Post Office Department distributing the

products of the farmers throughout the Nation. I wonder if the gentleman from Georgia who represents his State so well has turned back on that scheme

Mr. LANKFORD of Georgia. No; my bill is now pending before the Committee on Agriculture, and I hope the gentleman will help me in getting a hearing on it. It will give great relief for the farmer and also be a help to the consumer. I will have my parcel post extension bill before the committee of my friend as soon as that committee is organized.

Mr. MICHENER. Is that the scheme of the gentleman from Georgia to deliver watermelons from the farmer to the consumer?

Mr. LANKFORD of Georgia. Generally, it is to deliver identical packages from the producer to the consumer. Of course, watermelons, to my mind, are indentical packages and thus I have them and other farm products in mind when I seek the passage of this bill. [Applause.]

Let me say in conclusion, I would be delighted if this bill should yet be perfected so as to permit me to support it by my vote. I very much fear this will not be done.

There are several items in the bill which will be helpful to the farmer, but there are so many more that heap additional burdens upon the farmer and the ultimate consumer, until the bill at present is very unfair to my people. The duty on peanuts is good, but to my mind should be increased. There should also be given additional protection to those products which are shipped in to this country in competition with cottonseed and cottonseed products. I believe that there should be a tariff on cow hides, and, in fact, on every farm product that a tariff can at all help. Most of our products can not be helped. Long-staple cotton can be benefited by tariff, and certain grades of our tobacco would likewise be benefited by this protection. Pitch, tar, turpentine, and, in fact, all naval stores products can be helped by tariff. The producers of all these products should have, so far as possible, as much protection under this bill as is given to the manufacturers of other products.

When you place a tariff on practically everything that my people buy, I become more determined to fight for a tariff on the things they sell, if I feel that a tariff will at all help the price of the particular commodity.

I have done and shall continue to do all that I can to have the protection of the tariff extended to the items just mentioned. Time will not permit me to discuss them in detail at this time. I never lose hope as long as there is a chance, even though that chance may not seem worth while. I still hope that this bill will be made very much better before it goes to the President for his approval. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. HAWLEY. Mr. Chairman, I yield five minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Chairman, members of the committee, I do not wish to take up your time with many figures. You have had figures of a tremendous number of imports of boots and shoes, and you know what a terrible situation confronts the leather industry and boots and shoes.

I want to read into the RECORD what President Hoover said concerning the tariff on October 15, 1928, in Boston:

No tariff act is perfect. With the shifting of economic tides some items may be higher than necessary, but undoubtedly some are too low. This is particularly true so far as New England is concerned.

Mr. Hoover said:

The cotton and the wool industries have not for the past few years been in a satisfactory condition. They comprise about 26 per cent of New England's industrial life. Their depressed condition has not been peculiar to New England. The same situation has prevailed throughout the world and is due largely to the same factors—style changes, production in new areas, and decided changes in the trends of consumption. There has been less hardship in the United States than abroad, and that fact has been due to the partial protection afforded in the tariff against inundations of foreign goods.

Any change in the present policy of protection would, without any question, result in a flood of foreign textile products, which would mean no less than ruin to New England industry, both manufacturers and workmen.

That our American textile industry and its workers need solid protection is clearly demonstrated by a comparison of wages, and it must be remembered that our most severe competition from abroad always comes in those types of cloths in which the element of labor represents the chief item of cost. A woolen and worsted weaver in the United States earns an average of 65 cents an hour, in Great Britain 30 cents, in Germany 20 cents, in France 13 cents, and in Italy 8 cents. The American cotton weaver earns an average of 40 cents an hour, the German 17 cents, the Frenchman less than 11 cents, and the Italian 7 cents an hour. And New England wages are higher than these averages for the whole country. The American protective tariff is the only assurance to our 600,000 families, who earn their livelihood in the cotton and wool manufacturing industries against the wages prevalent abroad and the conditions and standards of living which necessarily result from them.

You have helped our cotton and woolen industries, and I am extremely grateful. They need help, for they are sick industries. You have helped the woolen and cotton textile industries all over the country by giving them an increased duty in these schedules. This protective tariff will mean that more work can be given to labor in our textile mills. It means more money in the pockets of the operatives; more money to be spent in the towns and cities where they live.

We are desperately in need of help for our women's boot and shoe and leather industries. I have always felt that to secure a tariff on leather and boots and shoes it is inevitable that a tariff on hides be given to the farmers. The farmers are entitled to a tariff on hides and skins and it is only fair to give it to them. You already have the figures with relation to the importations of women's boots and shoes, but I will quote some of them again.

The production of leather boots and shoes in the United States for the year 1928 amounted to 344,357,724 pairs. The imports of shoes and slippers, free of duty, during 1928 amounted to 3,250,982 pairs, or about 1 per cent of the production.

During 1928 the imports of leather boots and shoes, exclusive of slippers, into the United States increased from 398,929 pairs to 2,616,884 pairs, or 655 per cent. In value for the same period the increase was from $1,246,178 to $8,254,224, or 562 per cent. The principal increase has been in women's shoes, the imports of which during the 1923–1928 period was 1,653 per cent, or, in other words, the imports of women's shoes in pairs during 1928 was sixteen times greater than in 1923, and in value the increase was 1,000 per cent in 1928 over the value in 1923.

During the first three months of 1928 there were imported into the United States boots and shoes, exclusive of slippers, 754,968 pairs, valued at $2,315,773. In comparison with these figures the first three months of 1929—the current year—show imports to have been 1,592,031 pairs, valued at $4,591,914. This doubling of our imports in the first three months promises that during the year our imports will exceed 2 per cent of our production.

The American boot and shoe industry can supply the entire domestic market. Why should it yield a part of that market to underpaid foreign labor?

In a few years I believe you will have figures showing the importation of men's boots and shoes to be as great. I believe in helping the industries of our own State and of our country. For instance, I wear only American-made shoes—only Massachusetts-made shoes as a matter of fact.

I wear garments made of cotton and woolens that are made in Massachusetts, and surely want to do everything to help those industries by a protective tariff. I have appealed repeatedly to members of the Ways and Means Committee and I am now appealing to the Members of the House to place a tariff upon these products of these vital industries which are located not only in our own New England but all over the Nation. The Governor of Massachusetts, the Hon. Francis G. Allen, has telegraphed President Hoover and every member of our delegation in both Houses of the disaster that will come to Massachusetts if leather and boots and shoes are kept on the free list. The presiding officers of our Massachusetts Senate and House have sent resolutions to the Massachusetts delegation urging protection for these industries.

When I was in Massachusetts immediately after the closing of the Seventieth Congress I discussed the leather and boot and shoe tariff question with Governor Allen. I believe every man and woman in Massachusetts realizes what a calamity it would be if our leather and boot and shoe factories should be forced to close. In my own district alone there are 35 boot and shoe factories and in Lowell over 500 persons are employed at the American Hide & Leather Co. I believe the committee will listen to the crying necessity of protection in order to save the very life of our leather and boot and shoe industries. [Applause.]

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. MOUSER].

Mr. MOUSER. Mr. Chairman and ladies and gentlemen of the committee, it is impossible for everyone to agree upon the provisions of legislation containing the many ramifications of a tariff measure. The sentiment here expressed in debate is largely one of local interest, since nature has given various types of soil and different climatic conditions to different parts

of our great country. Believing that our paramount duty here in the matter of a limited tariff revision is for the purpose of assisting the American farmer in somewhat rehabilitating his present economic condition, I am ready and willing to support tariff legislation which may be of benefit to him regardless of his locality, and all of us should assume the broad rather than the selfish viewpoint in this regard. Assuming the integrity and the sincerity of the members of the Ways and Means Committee, which can not be doubted, who have labored so untiringly in the enactment of this most complicated legislative measure, how can we, who have not had the benefit of listening to the unimpeached testimony of hundreds of witnesses, seriously find fault with their labors except for partisan or other personal labors. Being human, it is only natural for some of us to assume a purely local viewpoint or one of purely partisan interest if some item or items in this measure are not particularly beneficial to those who may reside in our particular districts. I do not believe the members of the Ways and Means Committee have this view, or at least the majority thereof. I believe they have sat as judges and have carefully weighed the evidence which we have been unprivileged to do and have offered for our consideration the result of their deliberate judgment for the benefit of this country as a whole, with particular emphasis upon those engaged in a business which has been peculiarly and economically distressed.

There are numerous organizations which pretend to represent the viewpoint of the American farmer, but it is unfortunate for the farmers that some of these organizations through their alleged spokesmen do not agree upon the solution of this great agricultural question. How fine it would be and how enlightening to those of us who have only the desire to act wisely in their interest if a legislative program could be presented by spokesmen who were recognized as representing the viewpoint of the American farmer as a whole rather than purely sectional interests.

There is an organization of American farmers known as the National Grange which is perhaps more truly representative of the farmers of all sections of the country than any other. The leader of this organization is a man of great ability who knows first-hand the problem of the farmer and who has presented to us as spokesman of the farmers of this country his thoughts concerning remedial legislation. He is not an obstructionist but a constructionist. He is fair-minded enough to know that no legislation which may be enacted here may be perfect but he at least wants a start in the right direction so that as time goes on and we receive the beneficial result of experience we may better that which may be now enacted. I refer to L. J. Taber, who believed that in the Republican Party lay the best hope of enacting legislation to bring the American farmer back to somewhat of an economic parity with other industry. He agrees with the President's ideas about the farm legislation, except perhaps the debenture, and he is in accord with the idea that although House bill No. 1 may not be perfect it is at least a big step in the right direction. I am proud of this great Ohioan who brings to us the most representative viewpoint of all the farmers of this country that we have been able to obtain. He is in favor of but is not insisting upon a debenture provision which might result in the defeat of all legislation for the farmer except the tariff because he knows that our great President will not sign a measure containing a provision which is unsound and would further the creating of already too large surpluses in food products which has contributed materially to the present economic condition of the farmer. Mr. Taber does not want delay. He wants action as promised by both great parties in order that the farmer may immediately enjoy some of the benefits which our legislative efforts may bring to them.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. MOUSER. I have just 15 minutes and my address will surely take all of that time. If the chairman would yield me five additional minutes I would be very glad to answer the question of the gentleman.

With all due respect to the great men on the Democratic side of this Chamber, whose ability has distinguished them in being leaders of their great party in this House, I ask if any of us can recall a single speaker on the Democratic side of this House who has said a good thing about any single item in this bill except peanuts? How about your promise to the American farmer? And if this bill is not right, why do not you give us something constructive to work on rather than make the same old Democratic tariff speeches that we have heard for the past 50 years?

I may not agree with all the items of this tariff bill, but I am going to vote with the friends of a protective tariff in order that industries which have been showing in the red may make a reasonable and a legitimate profit. The sound judgment of a majority of the Ways and Means Committee tells us that there should be some further increase in tariff upon the importation of sugar from Cuba, and Mr. Taber, the master of the National Grange, advises us that this is necessary if we are to assist the American farmer in all parts of this Nation in bettering his present conditions. The distinguished and very able gentleman from New York, who has not the first conception of farming conditions, may argue long and loud that by slightly increasing the tariff upon sugar we will burden the consumer. How can he explain the fact that prior to the enactment of a tariff upon sugar that sugar was higher to the consumer than it is with the tariff, and how can he logically say that some further protection should not be afforded the American farmer and the refiner when Cuban sugar is selling in his great city for 2 cents a pound? Are we here to enact legislation for the American farmer or are we convened for the purpose of aiding the Cuban, the Porto Rican, and the Filipino to the very great detriment of Americans who are engaged in the business of raising beets and cane for the purpose of sugar? Such arguments as advanced by the gentleman from New York may be particularly pleasing and soothing to the people of New York City, some of whom would not recognize a sugar beet if they saw one, but it does not aid us in doing the job for which we have been called into extraordinary session.

I have before me an article, which appeared in the Findlay Morning Republican, of Findlay, Ohio, on Friday, May 10, last, in which it is stated that the Continental Sugar Co. of that city will not be operated in 1929 unless it contracts at least 2,500 more acres in its territory. Will the loss of this company to Ohio this year work a hardship upon our State with a resultant loss to those who might be employed in that industry and will the farmers increase the production of sugar beets to the amount of acreage required unless redress is given?

Since 1914 the undisputed testimony before the committee indicates that the cost of raising beets has increased 67 per cent upon the item of machinery alone, while the increase in the price of sugar during the same period has been only 7 per cent. In Colorado, according to our own Tariff Commission, the cost of growing beets in that State, over a 3-year period, per ton, without figuring interest on equipment and land, is $5.79; including interest, the cost to the farmer is $7 per ton. The farmer must receive more than the cost if he is to continue raising beets which are productive to his soil.

If we encourage the American farmer to grow beets and sugar cane, he will diversify his crops and lower the surplus of others. The American farmer is entitled to a price on sugar that will give him a living wage and instead of growing 1,000,000 tons a year, if necessary, we should grow all of our sugar. Much has been said about poor Cuba and much agitation and propaganda is now being put forth by the few American financiers who have invested in Cuba. Naturally, they, as a few, want to convince this Congress as against the thousands of American farmers in whose interest we have been called. Are we going to do our duty toward the American farmer or are we going to listen to the organized propaganda of a few millionaires who, having invested in Cuban sugar plantations, are advancing the subtle propoganda of increased costs to the consumer when experience has shown that this is not a fact? I say that the American market should be for the American farmer, even though it should slightly increase the cost to the consumer. I am quite sure that the people of New York City will not object—and can not object—to having the cost of sugar increased slightly when it is now being sold by Cuba in that city at 2 cents per pound.

Let us permit the American farmer to build up a great home industry, which will not only improve his soil but which will enable him to diversify his crops and tend to release us from the dependence upon the foreigner for one of the most important items of our national food supply. As L. J. Taber so well says, "The American consumer has been the beneficiary of the toil of the American farmer who has grown the American meal ticket." We have already remitted tariff duty on Cuban sugar in 19 years to the extent of $435,000,000. If we have an obligation to Cuba because of putting the protecting arm about her and making her a free and independent nation, then, certainly, we have a greater obligation to the American farmer who has had the yoke of economic dependence about his neck until his land is not selling per acre in Ohio for more than the special assessments against it that he has contributed to good roads over which we ride in luxury. In agricultural communities, perhaps not in New York City, if the American farmer is bettered then business conditions will be bettered, American laborers will be employed at good old American wages, and they will spend these wages in these communities and thereby aid business conditions, even though the price of sugar to them as a consuming public may be slightly raised. We can not have a consuming public under present living costs without good, old fashioned American wages, which are

only possible through reasonable protective tariff which permits American industry to employ American labor at American wages.

This principle has caused the American people, by vast majorities, to give their votes to the Republican Party; and, seeing the handwriting upon the wall, our Democratic brethren are now partially agreeing with us upon the tariff, at least for political expediency. But the American people are unwilling to trust this great question in the hands of those who have heretofore been antagonistic until they see demonstrated a sincere willingness on the part of the Democrats to become Republicans in the faith upon the question of the protection of American labor and industry as opposed to the low wage and the low cost of production in other countries, even though the consumer must pay a trifle more on account of the protection afforded. The consumer does know that he must be employed and receive money for that employment before he can consume.

Permit me to quote at this time from a statement made by Mr. William Green, president of the American Federation of Labor:

We realize, however, that any legislation that might be enacted and might be helpful would, of course, have a tendency to raise the price level, because that has been the ultimate objective. We believe that ought to be done, notwithstanding the fact that perhaps the cost that would follow the raise of the price level would fall somewhat upon the great consuming mass of labor.

We think that it is really an economic crime that such a large number of people in our great country should be producing a commodity below the actual cost of production, and we are conscious of the fact that that is going on and that the farmers are suffering very greatly. We believe that it is a menace to the welfare of working men and women, and to a continuation of our national prosperity and well being. (From Mr. Green's statement before the Senate Committee on Agriculture, April 3, 1929, p. 530 of official printed hearings.)

The leader of the largest single group of organized "consumers" in the United States is not objecting to an increase in the price the farmers receive.

We want to see the farmers prosperous—

Mr. Green said—

We are willing to help them to be prosperous by paying a little more for the things the farmer sells. We are anxious that the farmer should receive more money so that he can be made an active buyer and consumer of the things that labor produces (p. 532).

In conclusion permit me to state that the same principle of economic stabilization applies to all raw agricultural commodities as I have outlined in reference to sugar beets, both from the standpoint of profitable production and equally as well from the point of an orderly, efficient, and economic system of marketing. Let me emphasize and may we all remember that we are here convened by the strongest mandate a representative people ever gave to a President and his legislative branches of government, to afford and effect a farm-relief program, not only as applies to cooperative marketing, but also to a readjustment of tariff schedules to assist in the elimination of the spread now existing between agriculture, the basic industry of our country, and other now protected lines of industry. Are we big enough to lay aside personal and all other interests for the common interest of the whole country, and carry out the mandate of the American people? We are being given an opportunity to render an account of our stewardship. [Applause.]

Mr. GARNER. Mr. Chairman, I yield 10 minutes to the gentleman from Florida, Mr. GREEN.

Mr. GREEN. Mr. Chairman and members of the committee, I shall not talk to the length that I intended nor mention some of the things that I had hoped to because I have arranged to appear before the Committee on Ways and Means to-night to bring to their attention a few of the items that I believe should be included in this bill. In the extension of my remarks, Mr. Chairman, I ask unanimous consent to extend therein a brief taken from the report of the Committee on Ways and Means.

The CHAIRMAN. Without objection, it will be so ordered.

Mr. GREEN. The tariff bill now before the House, although the result of long and tiresome effort by the distinguished members of our Ways and Means Committee, still fails to meet some of the most urgent demands of the American people. In the speech of the able chairman, Mr. HAWLEY, before the House on May 9, he said:

We have increased the duty on nuts and vegetables as substitute crops. Instead of confining themselves to the production of a few great crops our farmers ought to be raising crops in great variety; not sell at one season of the year, as they do their grain, in tremendous quantities throwing on the market at one time millions of bushels, but enable them to dispose of products at all times of the year as the market demands. If we can relieve the basic crops and develop more diversity in agriculture by the use of the tariff we will be rendering the most aid to agriculture, in my judgment, that it is possible to render.

The Southern States from Florida to Texas are endeavoring to reach the market with their winter and spring vegetables. They have the climate, they have the labor, they have the soil, but they have very vigorous competitors. Mexico against Texas with Mexico scheduled to win without due protection to the domestic supply. Florida and other Southern States against Mexico and the isles of the Caribbean Sea. We have increased the duty on green beans from one-half cent to 3½ cents a pound and the duty on green peas from 1 cent to 2 cents a pound. On cucumbers, squash, eggplant, and various other commodities of that kind we have very materially increased the duty. So that practically all the winter and spring vegetables sold in our markets can be produced in the United States in the course of time. Why should they not be so produced?

He further stated that—

We have endeavored to hold an even balance between all the industries of the United States, not on the theory that an ad valorem rate of a certain amount would solve the problems but that whatever rate was necessary for their protection should be written, based upon the information that we have. We have endeavored to treat them on the same basis.

And further on in his speech he said:

I could go around the map and show there were storm centers where the competition centered or where the competition existed only, but the people of the United States, whether they are in a small or large geographical area, where their production is appreciable in amount, are entitled to the protection of the tariff equally with everybody else.

He also said:

The foreign wages average only about 40 per cent of the American wages, and in some countries they do not equal 10 per cent of our wages in certain lines of industry.

Now, Mr. Chairman, the chairman has declared for a tariff which will carry equal benefits to every section of our great Nation and also equal benefits to every industry; and the people of the State of Florida appreciate to the fullest extent the inclusion in this bill of a tariff protection on certain of its fruit and vegetable products. This State has long needed such protection and I believe that if these items are retained in the bill that great benefits will accrue to my State; however, in making up the schedules unfortunately a raise in rate was declined on avocados, papayas, mangoes, figs, watermelon seed, pecans, oranges, lemons, and wrapper tobacco. The tariff on these products undoubtedly should be raised, and I trust that the Ways and Means Committee will see fit before the bill is enacted to raise these items to the extent as has been suggested by the Florida growers. I respectfully request that this be done.

If Chairman HAWLEY'S statement reflects the belief of the party in power, I would like to call the attention of the members of that committee to the fact that you have left from your bill certain items which I think ought to be included. I am in hopes yet that your committee will amend this bill to a point where it will be acceptable to at least the members of the Florida delegation, and I certainly wish that you could amend the bill to the extent that would make it acceptable to every Member of the House who does represent the will of the entire American people. We need in our State a further protection on oranges. In this bill we have no increase in the protection on oranges. We did get 50 per cent protection on grapefruit, but you have declined to raise the rates on strawberries or avocados or papayas or mangoes or watermelon seed, and on several others of the typically southern and Florida vegetables.

If you are going to give protection where protection is needed, why not include these and encourage the agricultural industry to make our vegetables here in America? These foreign-grown fruits and vegetables are no less competition with one of your own industries than is the importation of foreign-manufactured goods.

I call attention also to the fact that wrapper tobacco imported from Sumatra comes into competition with Connecticut, Georgia, and Florida grown shade tobacco. This is the most expensive way of raising tobacco, and you have declined so far to give us additional protection on this product. Connecticut desired it and Florida and Georgia desired it, and so far have failed to get it. Our wrapper-tobacco growers will have to go out of business unless relief is given. There is no doubt about that statement, and I refer you to the report of the Committee on Ways and Means, where the growers and experts stated those facts.

The bill has continued on the free list pine tar and naval stores, and this, to my mind, is a glaring discrimination against one of the country's greatest industries, and is an agricultural industry, in favor of the few factories which use pine tar, turpentine, and rosin in the manufacture of their various products. In the pine-tar industry to-day the investment is about $2,000,000 in plants in the Southern States—North Carolina, Alabama, Florida, and possibly other States.

In my own State of Florida the investment in these plants is heavy. They manufacture pine tar to the value of $1,500,000 annually. This tar is extracted from dead pine stumps. These stumps are usually taken from the fields of the farmers, carried in to the plants, ground up, and the tar extracted from them. In this process they not only save one of America's most important products but assist the farmers in clearing and stumping, without cost, their fields.

And, by the way, we are told that the purpose of this session of Congress is to assist the farmers. If you desire to assist the farmers of the Southeast, why not place such a tariff duty on imported pine tar as will enable the American tar producers to continue their operations?

Four or five years ago the rubber industry began using this tar in the manufacture of rubber tires and in renovating old rubber. When the British monopoly brought about extortionate prices on rubber used in America, then the manufacturers sought a substitute and found with marked success the possibility of the substitution of tar.

In 1926 the price of pine tar was from 35 to 37 cents per gallon and yielded a favorable return upon the investment. In 1927 the price was reduced to 25 to 28 cents per gallon and last year it went down to about 25 cents per gallon. This reduction was caused through the importation of pine tar, principally from Russia, Poland, and Finland. In these foreign countries where the wage and standard of living conditions are much lower than that in the United States, this tar can be produced for about 11 cents per gallon. I have just quoted Chairman HAWLEY in his statement showing the great difference in the cost of American labor and that of foreign countries. It actually costs 25 to 28 cents per gallon to produce pine tar in the United States.

The freight rate from Danzig and Archangel to New York is about the same as the rate from the Gulf ports to New York; and by the way, something is undoubtedly wrong with transportation charges when the same amount is charged to transport products from Russia and Poland across the Atlantic to New York as is charged from, say, Savannah, Ga., to New York. It occurs to me that if the Republican Party would bring about a reduction in freight rates the naval-stores industry and the farmers of the country could be better served than in any other manner.

The amount of pine tar imported is constantly increasing. About 400 barrels in 1925 to 15,000 barrels in 1928, and if this importation increases further the pine-tar plants of the Southeast will, every one, have to shut down and go out of business. The average annual production of pine tar in the United States for the past three years has been approximately 125,000 barrels of 50 gallons each. The importation of from 15,000 to 20,000 barrels per year of foreign tar during the past two years has had a great deal to do with the reduction in the price of pine tar manufactured in the United States, and there is every indication that the importations of foreign pine tar will increase more rapidly in the future.

A gallon of pine tar weighs about 9 pounds, and if the Ways and Means Committee will place a tariff of 2 cents a net pound on imported tar, then this amount added to the 11 cents a gallon, the cost of production of foreign tar, it would enable the American producers to carry on their production. A tariff of 2 cents a net pound is a very reasonable tariff on pine tar. This would not cause the consumer to pay an extortionate price for the product, but would only maintain the price sufficiently to enable American production. The American tar producers are not asking a prohibitive tariff or a tariff which will greatly increase their net earnings. They are asking for only such amount as will assure them sufficient return on their capital to enable them to do business. There are almost a thousand American wage earners employed in these pine-tar plants, and these wage earners are surely entitled to such protection as is necessary to enable their employers to remain in business and meet their pay rolls.

On last Saturday, May 11, when the distinguished tariff protection stalwart, the gentleman from New York [Mr. CROWTHER], was addressing the House, in reply to my question to him relative to tariff on tar and naval stores, he replied:

> I want to say to the gentleman that I am always in favor of protection on any commodity that needs it, whether it is in Florida or any other section of the country. I am for it as a matter of sound American policy, and it does not make any difference to me where it is needed.

Now, I trust that his opinion relative to the necessity of tariff on pine tar and naval stores may be concurred in by the other Republican members of the Ways and Means Committee; therefore, Chairman HAWLEY, I respectfully request that your committee offer an amendment to the bill now before the House which will carry this 2 cents a net pound protection on American-produced pine tar and pitch of wood.

At this time I also request Chairman HAWLEY and his fellow Republican members of the Ways and Means Committee to transfer naval stores (turpentine and rosin) from the free list to the dutiable list and grant us a tariff of 10 per cent ad valorem on same. The naval-stores industry is undoubtedly one of America's greatest agricultural industries. As my colleagues know, this industry is confined to the Southern States, particularly to those of the Southeast. Raw pine gum is extracted from the southern pine tree, and through the process of distillation rosin and spirits of turpentine are extracted.

There are some 1,400 producing plants or establishments in the United States. In 1921, 23,378,854 gallons of spirits of turpentine, valued at $13,356,790, and 1,661,624 500-pound barrels of rosin, valued at $10,796,975, or a total of $24,276,000, were produced. This was produced by 1,418 establishments, of which 490, producing $8,231,775 worth of products, were in the State of Florida. In the operating year 1924–25, 27,174,580 gallons of turpentine and 1,790,087 500-pound barrels of rosin were produced. Of this the State of Florida produced more than one-third, and its largest naval-stores shipping port, Jacksonville, shipped 11,707 tons of turpentine and 82,219 tons of rosin, besides dross and other products.

Since 1925 investments in this industry, I believe, have increased to approximately $60,000,000, and the production to approximately 28,500,000 gallons of spirits and 2,000,000 barrels of rosin; therefore, in the interest of probably the largest naval-stores producing State in the Union, I respectfully ask that you give us a 10 per cent ad valorem duty on rosin and turpentine.

Practically 70 per cent of the world's supply of naval stores is produced in America. France produces some 20 per cent, the remainder being produced by Spain, Portugal, Mexico, and India. France, Spain, Portugal, and Mexico have protective tariffs on their naval stores, and, in some cases, these tariffs are exceedingly high. I will inclose herewith a portion of the brief submitted to the Ways and Means Committee of the House by Mr. Carl F. Speh, who is secretary of the Pine Institute of America (Inc.), the brief including the tariff rates in these countries.

Now, Mr. Chairman, if we are to have a tariff law which will carry out the statement as made by the chairman of the Ways and Means Committee, Mr. HAWLEY, it is absolutely necessary for tariff protection to be extended to our naval-stores industry. Through foreign competition the price of naval stores, as well as tar, is lowered. Although the importation into our country of foreign-made turpentine and rosin is small, yet it serves the purpose of beating down the American market and is costing the naval-stores industry of our Nation millions of dollars annually. This loss by the industry is ill afforded. The operating expenses are annually increasing. The cost of labor, of course, is increasing annually. The labor in the naval-stores industry is hard; in fact, I know of no other industry in which stronger physical ability of employees is required. At the average naval-stores farm the laborers rise at early dawn and in many cases go 3 to 8 miles to their work and begin work by 5 or 6 o'clock in the morning and invariably labor until the sun has disappeared beyond the western horizon, and they repeat this action for six days in the week. Even then many of these laborers are unable to obtain for their labor sufficient wage to acquire for them the actual necessities of life. These may be classed as unorganized laborers. My colleagues well know my stand in the interest of a square deal for organized labor, because I believe in the dignity of labor and the majesty of toil, but these poor wretched laborers in the naval-stores industry, unorganized, unprotected from the hazards of climate—storms, rains, and other atmospheric agencies—are drudging on and on, daily, weekly, monthly, and annually, and, in many instances, unable to obtain as a result of their labors even the actual necessities of life, and it is for this unorganized labor that I am to-day asking your consideration.

The employers, I firmly believe, are allowing them every penny of wage which they can allow under their present marketing conditions; in fact, many of them have been so liberal with payment of their laborers until their businesses have gone into bankruptcy. The owners and operators of the naval stores firms are not in any manner to blame for the low scale of wages allowed to the employees. They are paying all possible,

and in many instances more than good business management will permit; but the trouble is that the price of their products has been lowered and beaten down by the importation of foreign-made naval stores produced by foreign labor whose wage standard is far lower than that in the United States. Mr. Speaker, I respectfully urge the Republican members of the Ways and Means Committee to amend the tariff bill by allowing 10 per cent ad valorem duty on imported turpentine and rosin.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GREEN. Mr. Chairman, may I have five additional minutes?

Mr. GARNER. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes more.

Mr. GREEN. Now, these other countries have a very high protection on all of these products, as will appear by the report taken from the Committee on Ways and Means that I shall put in the RECORD.

I make these statements with the hope that the Committee on Ways and Means will grant this protection. I base my position respecting the tariff bill upon the statement that has been made by the chairman of that important committee. I have heard statements made here in the last few days, hurled from one side of the Chamber to the other side; I have heard gentlemen on the Republican side and gentlemen on the Democratic side present statements here about this party and about that party—statements that would cause you to believe that our whole country is going to be destroyed if some little product is not written into the bill.

They would have you believe that if there had been no Republican Party and no Democratic Party our Nation would be doomed to-day. I am not an alarmist. I do not take that position. I do think that the Democratic leader and his associates should have been allowed to have something to do with the writing of this bill, but I am not an alarmist, and I believe that, regardless of what duties are written into this bill, our country is going to go on. I believe that the American people, who could grow from less than 12,000,000 to 120,000,000 in the small interval of a century and a half—I believe that same people can carry on our Government here and bring protection to American industries and farmers. I believe the factory hands of America will continue to be the great standard yardstick by which the hopes of labor in foreign nations may be arrived at. I believe the wheat fields of the Northwest will continue to nod their heads to the morning sun. I believe the coal mines of Pennsylvania will continue to belch forth their black diamonds. I believe the great iron industry down in Alabama will continue to bring forth from the bowels of the earth this great treasure. I believe the cane plantations of Louisiana and the Everglades of Florida will increase their acreage, and that the people of America will continue to have sugar to satisfy their wants. I believe that in my own State of Florida our vegetables will continue to grow and our oranges will keep their golden standard. I believe, my friends, also that in the great coast expanse of my State and that of California the yacht and the little canoe and the pleasure boat will ride those majestic waters the same as the albatross and sea gull. So, my friends, I could enumerate a number of things that may or may not be accomplished by a tariff bill; but even so, bear in mind Kipling's poem, "If," which I have not the time to quote, and remember that the people who constitute your Nation and mine look to us for legislation all the way from the North to the South and from the East and the West, and they should be represented in this bill alike and represented alike for all.

Give us protection in our section. Take protection in your section. Remember that no chain is stronger than the weakest link. If you impoverish an industry in Dixie, my friends, you weaken your Nation. If you impoverish an industry in the Northwest or the Northeast in like manner you weaken the resources and the stability of your Nation in the name of justice give us amendments to this bill which will carry protection, prosperity, and equity to the Southeast. [Applause.]

BRIEF OF THE PINE INSTITUTE OF AMERICA (INC.)

The Pine Institute of America represents all branches of the naval-stores industry; that industry, the principal products of which are spirits of turpentine and rosin. We respectfully ask that these two commodities, spirits of turpentine and rosin, now in paragraph 1688 of H. R. 7456, tariff act of 1922, be taken from the free list and be given a duty of 10 per cent ad valorem.

The average annual value of the production of rosin and turpentine in this country is approximately $60,000,000. In quantity, this is 570,000 barrels (50 gallons) of spirits of turpentine, and about 2,000,000 barrels (500 pounds) of rosin. These two commodities are valuable raw materials used in the manufacture of many products. Rosin is used chiefly in the manufacture of soaps, varnishes, paints, synthetic resins, paper size, printing inks, linoleum, and lubricants. Spirits of turpentine is used chiefly in the manufacture of paints, varnishes, polishes, synthetic chemicals, and medicinal preparations.

The United States produces approximately 70 per cent of the world's production of turpentine and rosin. The remaining 30 per cent is produced by France, producing about 18 per cent, Spain 5 per cent, followed by Greece, Portugal, Mexico, and India. Prior to the World War this country produced approximately 85 per cent of the world's production. There is a tendency on the part of the other producing countries to increase their production, and on the part of several countries, as for example, those of Central America and the Dutch East Indies, to start a naval-stores industry.

We export approximately 50 per cent of our production, our foreign buyers being chiefly England, Germany, and South America. In each of these keen competition is felt with the production chiefly from France, Spain, Portugal, and India.

We import a quantity equivalent to less than 1 per cent of our production. Such a small volume of imports in most industries would have little effect. Turpentine and rosin, however, are marketed on a daily price established at Savannah, Ga., which market is recognized by the entire world. Experience has shown that the importation of even such a small amount as 1,000 barrels of rosin can have the effect of unduly depressing this single market.

The American naval-stores industry wish to correct this condition, and therefore ask that a tariff be levied. Such a tariff would not raise the general selling price in this country, but would prevent the occasional bearish influence created by such importations. We also call attention to that general condition which applies to most industries, namely, the lower cost of production of these commodities in foreign countries.

Competition in this country is felt by the importation, without duty, of turpentine from Mexico, where we see a growing industry, with the possibility of vast development. Such importations make it extremely difficult for the American producer to move his product from the South Atlantic producing territory to the West coast in competition.

The naval stores industry uses as its raw material either the growing southern yellow pine tree or the dead down wastes and stumps. In the latter case the utilization of these wastes makes it possible to clear lands for agricultural purposes, deriving an income from the clearing. In the case of the production from the living tree, a permanent developing naval stores industry will make it possible to economically reproduce southern yellow pine.

Our brief, therefore, is based upon the desire to stimulate and perpetuate the production of rosin and turpentine in this country, and the feeling of protection against the certain increase in importations, as foreign production increases will be a big factor.

Foreign producing countries have recognized the necessity of protecting home production, and have imposed prohibitive import tariffs on rosin and turpentine, with the result that practically none of the American production finds a market in these countries.

The following are tariffs which are applied:

France

Spirits of turpentine	Francs per 100 kilos G.	Equivalent per gallon
General tariff	81.60	$0.1045
Minimum tariff	20.40	.0262
Rate applying to United States	40.80	.05225

Rosin	Francs per 100 kilos G.	Equivalent to per 280 pounds gross
General tariff	32.00	$1.593
Minimum tariff	8.00	.398
Rate applying to United States	17.00	.846

Added to the above is a 2 per cent sales tax imposed on importations. Based upon the average Savannah market for this season this, with the sales tax, would be approximately 12.8 per cent on the spirits of turpentine and 12.6 per cent on the rosin imposed upon American products.

Spain

Spirits of turpentine	Pesetas per 100 kilograms	Equivalent per gallon
First tariff	75.50	$0.4763
Second tariff [1]	30.50	.1920

[1] Second tariff applies to United States. Rate of exchange—1 peseta equals $0.193.

Spain—Continued

Rosin	Pesetas per 100 kilograms	Equivalent per 280 gams
First tariff	36.50	$8.947
Second tariff [1]	12.50	3.064

[1] Second tariff applies to United States. Rate of exchange—1 peseta equals $0.193.

In addition there is imposed a surtax on importations.

Based upon the average Savannah market for this season, this would be, exclusive of the surtax tax, approximately 42.7 per cent on the spirits of turpentine and 38.3 per cent on the rosin.

Portugal

Spirits of turpentine	Escudo per kilo	Equivalent per gallon
Maximum tariff	0.01	$0.0353
Minimum tariff [1]	.005	.0176

Rosin	Escudo per kilo	Equivalent to per 280 pounds G.
Maximum tariff	0.01	$1.372
Minimum tariff [1]	.005	.686

[1] Minimum tariff applies to United States.

Rate of exchange—escudo equals $1.08.

Added to the above specific duties there is a 2½ per cent surtax applied based on the c. i. f. duty-paid value of the goods.

Based upon the average Savannah market for the season this would be, including the surtax, approximately 6.4 per cent on the spirits of turpentine and 11.1 per cent on the rosin levied on American products.

Mexico

	Pesos per kilo	Equivalent per gallon
Spirits of turpentine, applied to United States	0.11	$0.1691

	Pesos per kilo	Equivalent to per 280 pounds G.
Rosin, applied to United States	0.06	$3.58

Rate of exchange—1 peso equals $0.47.

Added to the above is a 12 per cent surtax based on c. i. f. value of importations.

Based on the average Savannah market this is equivalent, including the surtax, to 49.5 per cent on the spirits of turpentine, and 56.8 per cent on the rosin imposed on American products.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. HAWLEY. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SELVIG].

Mr. SELVIG. Mr. Chairman, there are two or three matters in connection with the proposed tariff rates on dairy products that I wish to call to the attention of the House.

These products are casein, butter, and vegetable oils. I do not at this time attempt to discuss these matters exhaustively but simply desire to call to the attention of the House during the time that the tariff bill is being considered a few facts regarding these products.

CASEIN

Casein is a by-product of skim milk which is used by coated-paper manufacturers, glue manufacturers, and producers of artificial cork, leather, rubber, ebony, horn, celluloid, and sundry articles. The dairy farmers of Minnesota, Wisconsin, California, New York, and other States want a tariff of 8 cents per pound on casein in place of the present rate of 2½ cents per pound.

The imports of casein come principally from Argentina. Over 27,000,000 pounds were imported in 1927. The domestic production was 18,000,000 pounds. The dairy farmers maintain that they can produce 300,000,000 pounds of casein a year if given fair protection at little or no advance in the cost of casein over present prices.

They can not, however, compete with the low labor cost of Argentine whole milk which sells for 96 cents per hundred, as against two to three times that price in the United States. They ask that the American market for casein be given the domestic producers who stand ready and able to make casein, both in sufficient quantity and of high and uniform quality.

The farmers of the United States are facing a serious situation with respect to their market for milk powder which is another outlet for the skim milk. The saturation point for skim milk has nearly been reached. There are over 10,000,000,000 pounds of skim milk wasted every year, which indicates the possibilities of securing a profitable return from casein and skim-milk powder if the domestic market is safeguarded for these products.

The chief objections to an increased duty on casein come from the coated-paper manufacturers. They won in the Ways and Means Committee when the present tariff bill was written, as it carries no increase in the casein rate.

In the hearings before the tariff committee the objections raised by the paper manufacturers were held by the dairy groups not to be valid.

The dairy experts testified that American casein is the equal of any other. They testified that the trade that buys casein can get the quality it seeks. I am including telegrams from casein manufacturers supporting this testimony.

To the contention that the coated-paper manufacturers are losing out in foreign trade I wish to cite Department of Commerce figures showing that this trade increased from $3,764,000 of coated-paper exports in 1922 to $5,973,000 in 1927.

The coated-paper trade testified that their business was on an unprofitable basis due to high cost of casein. Their record of volume shows a gain of from $13,623,000 in 1921 to $31,970,000 in 1925, with a still greater increase in the past few years. The September, 1928, orders were 6.6 per cent over those of the same month, 1927.

The increase of 5½ cents per pound that is requested in the tariff rate on casein, even if reflected in an increased cost to the paper trade, according to the testimony submitted at the hearings, would amount to less than one-half cent per pound.

It is maintained that the present price of casein, which is about 15 cents per pound, would not be greatly increased if the higher protection were granted, which would result in an insignificant increase in the cost of coated paper, but that the domestic market for casein would be stabilized.

The tariff was originally intended to help infant American industries. The casein industry is, to a certain extent, such a one. It is growing. In 1922 casein plants, numbering 74, produced 6,907,000 pounds of casein. In 1927 the number of plants had increased to 130, with a production of 18,033,000 pounds.

The dairy farmers demand that campaign promises be kept. The dominant note in the campaign was to give the American farmer the full benefit of the domestic market. An embargo is not wanted. A tariff rate that will meet competitive conditions is all that is asked.

The present session of Congress was called to fulfill the campaign pledges of 1928. In this instance, the market for casein exists in America. The bulk of a supply comes from a foreign country. The American farmer can furnish ten times the present domestic requirements of the best grade of casein that can be made.

Some doubts have been expressed regarding the quality of the domestic casein. I will place in the RECORD two paragraphs on Early Attempts to Use Casein from Casein and Its Industrial Applications, by E. Sutermeister. He is chief chemist for the S. D. Warren Co., Cumberland Mills, Westbrook, Me., and is considered an authority on the subject of casein:

When casein was first used for coating paper it was being made as a by-product in many small creameries, and because it was a by-product little care was given to its manufacture. There was also no uniformity in the methods employed, some allowing the milk to sour itself, some adding acid and some using the rennet process. Sometimes the kinds of casein were kept separate and sometimes they were mixed, so that it was not only general to find the lots working differently, but it was not at all uncommon to find several barrels out of a carload which could not be used at all and had to be returned to the shipper. Under such conditions it was very difficult to locate the source of any trouble, and the confusion was increased by the fact that the users had little knowledge of the way to handle casein and were more or less prejudiced against it. Doubtless many lots of casein were rejected which could be used to-day without difficulty, but in the early days they caused endless trouble and confusion.

Conditions are now greatly improved, both because the preparation of the casein is better standardized and looked after and because the paper coater knows much more about handling it to the best advantage. It is seldom that a lot of casein now has to be rejected because of poor quality, or even that unsatisfactory samples are received.

The weekly quotations on casein taken from Oil, Paint, and Drug Reporter, which is the trade paper for casein industry,

show that domestic and imported casein prices run practically the same. The following table gives quotations from January 7 to May 6, 1929:

Quotations from Oil, Paint, and Drug Reporter

CASEIN (IN BAGS)

	Domestic		Imported, fine ground	Standard ground
	20-30 mesh	80-100 mesh		
	Cents	*Cents*	*Cents*	*Cents*
Jan. 7, 1929	15–15½	15¼–15¾	15¼–15¾	
Jan. 14, 1929	15–15½	15¼–15¾	15¼–15¾	
Jan. 21, 1929	15½	15¾	15¼–15¾	
Jan. 28, 1929	16	16½	16½	
Feb. 4, 1929	16½	17	17	16½
Feb. 11, 1929	16½	17	17	16½
Feb. 18, 1929	16½	17	17	16½
Feb. 25, 1929	16½	17	17	16½
Mar. 4, 1929	16	16½	16½	16
Mar. 11, 1929	16	16½	16½	15¾
Mar. 18, 1929	15¾	16¼	16¼	15½
Mar. 25, 1929	16	16¼	16¼	16
Apr. 1, 1929	16	16¼	16¼	16
Apr. 8, 1929	16	16¼	16¼	16
Apr. 15, 1929	16	16¼	16¼	16
Apr. 29, 1929	16	16¼	16¼	16
May 6, 1929	16	16½–17	[1] 16½–17	15½–16

[1] Quotations changed from "Imported" to "Argentine."

Since requesting that the casein item be reopened a number of telegrams and letters have been received which refer especially to the quality of domestic casein as compared to imported casein. I will read them and request that they be printed in the RECORD.

The first one is a telegram received from the president of Land O'Lakes Creamery Association:

MINNEAPOLIS, MINN., *May 14, 1929.*

Hon. C. G. SELVIG:

Understand statements are being made to the effect that American milk will not make casein equal in quality to foreign casein. We have analyzed casein made in Argentina as well as in our own plant and have made tests in conjunction with large paper mill and find there is no truth to this statement. We can make casein equal, if not superior, to foreign manufacturers.

JOHN BRANDT,
Land O'Lakes Creameries.

BOSTON, MASS., *May 15, 1929.*

Hon. C. G. SELVIG,
House Office Building:

Milk dealers here believe increased production and improved quality would come with increase in casein duty. Market would be provided for skimmed milk now being thrown away. Hood estimates increase New England production at least 30 per cent. Dealers state higher duty will make possible greater centralization of manufacture and control of quality.

NEW ENGLAND MILK PRODUCERS' ASSOCIATION,
W. H. BRONSON, *Statistician.*

BOSTON, MASS., *May 14, 1929.*

Hon. C. G. SELVIG,
House Office Building, Washington D. C.:

Since 1922, under 2½-cent duty on casein, production domestic casein increased from 7,000,000 pounds to 18,000,000 pounds in 1927. First half year figures indicate 1928 production 22,000,000 pounds. Casein price last year averaged 2½ cents above 1922. Believe additional protection we ask would bring out an additional 20,000,000 pounds in United States, particularly as dry skim powder production now returns to more for skim milk than casein. Large milk dealers here yesterday refused us adequate surplus milk prices claiming surplus skimmed milk a liability. Reasonable casein prices will provide market for surplus skim, give higher returns to producers, and give manufacturers opportunity to improve quality of casein produced.

NEW ENGLAND MILK PRODUCERS' ASSOCIATION.
W. H. BRONSON, *Statistician.*

PHILADELPHIA, PA., *May 14, 1929.*

Hon. C. G. SELVIG,
Washington, D. C.:

Argentine casein is known as lactic casein; manufacture very simple; American manufacturers could easily duplicate or improve Argentine quality. The only reason they do not do so is because lack of profit makes casein practically waste product and no care used in manufacture, nor does it pay to invest in proper plant. Casein manufactured by makers of milk sugar. Muriatic casein is not considered as good for some kinds of paper work as lactic casein.

C. MAHLON KLINE.

SAN FRANCISCO, CALIF., *May 14, 1929.*

Hon. C. G. SELVIG,
House Office Building, Washington D. C.:

My attention again drawn to statements being made in connection with casein tariff that quality American casein is inferior to Argentine, this being inherent on account of feed conditions. As one having been associated with casein manufacture in all its phases, including the technical, since 1902 not only in California but in the Middle West and East I wish to say that statements referring to inability to manufacture high-quality casein from milk of this country are in error and without foundation. Casein of high quality has been made during all seasons of the year and may be produced in ample quantities to meet requirements throughout dairy sections of United States. Owing to fluctuations in market often below cost, casein manufacture is hazardous and is unsatisfactory outlet for skim milk. What is required is sufficient tariff protection to stabilize markets and justify engaging in its continuous manufacture. We believe dairymen of this country are entitled to stable market, and, with stable market, manufacture will be sufficient to meet demands at price levels little or no higher than during past year.

C. E. GRAY,
President Golden State Milk Products Co.

Here is a letter from one of the large casein concerns:

NEW YORK CITY, *May 15, 1929.*

SUBCOMMITTEE ON CHEMICALS AND OILS,
Ways and Means Committee, House of Representatives.

SIRS: Replying to a telegram of the 14th, received from Congressman SELVIG, we would state that a certain proportion of the Argentine production of casein is of inferior quality, as is the case with domestic casein. Casein made in California, Idaho, and a large portion of the New York State output is superior in quality to Argentine casein. A large portion of the domestic casein output is equal in quality to Argentine casein. In our opinion, that portion of the domestic production which is now inferior in quality could be improved in quality by simple changes in methods of production.

We also attach a memorandum regarding the matter of increased duty on casein glue if the duty on casein is increased.

We can not too strongly urge that adequate protection of domestic casein producers requires that duties on tapioca and casein glue be fixed in proportion to whatever duty on casein is finally decided upon.

Respectfully submitted.

THE CASEIN MANUFACTURING CO.,
A. F. GRIGNON,
Vice President and General Manager.

This letter was received this morning from St. Paul, Minn.:

TWIN CITY MILK PRODUCERS' ASSOCIATION,
St. Paul, May 13, 1929.

Hon. C. G. SELVIG,
House Office Building, Washington, D. C.

DEAR MR. SELVIG: We saw by yesterday's papers that you have been assigned to present arguments for casein. We also noticed the request for definite information as to whether high-quality casein can be produced in the United States.

F. B. Hulls, of Minneapolis, has been buying casein and has been connected with the industry for 38 years. He has bought for many paper manufacturers and for other industries. In 1927 and 1928 his purchases in Wisconsin and Minnesota amounted to 1,667,392 pounds. He is one of four buyers operating in this territory, and estimates that he secured less than one-fourth of the product produced. He is thoroughly convinced from his connection with the industry that the casein as made under his supervision is fully as good as imported casein.

Mr. Prestholdt, of the Monite Waterproof Glue Co., of Minneapolis, has flooded the country with statements arguing for putting casein on the free list. In 1927 he bought from Mr. Hulls 973,253 pounds of domestic casein, and in 1928 he purchased 694,139 pounds. Mr. Hulls feels that this was a large part of the casein used, and not much imported casein was used in this factory during this period. Recently imported casein is being used, and reports are that business is falling off rapidly.

Buyers have manipulated prices in the past in such a way that farmers here never knew what the price would be. Since 1920 casein prices as paid to buyers in Minnesota have ranged from 4½ cents a pound to 18 cents a pound. At one time we could not move casein at any price. We had to hold it several months to get 4½ cents. There is a feeling among producers here that buyers do not encourage quality, but prefer to buy at a very low price. It is probable that this poor casein is mixed in with high-grade casein, giving the buyer a handsome profit.

We have secured samples of domestic and imported casein and are having them analyzed at the University of Minnesota and will rush any

information secured to you at once. Will also welcome your suggestions as to further lines of investigation. Naturally the paper people who want cheap casein are not going to give us any information which will be valuable, but the facts as to prices paid and an analysis and available skim milk should be sufficient.

Yours very truly,

H. R. LEONARD, *Manager.*

There can no longer be any doubt as to the quality of domestic casein.

DAIRY PRODUCTS

Coming now to more general discussion of the dairy industry and its interest in the present tariff bill, it is conceded by all that protection against imported foreign dairy products must be uniform in the rates as they apply to butter, condensed or evaporated milk, casein, cream, cheese, or any other form. Increased domestic production of dairy products, because of the relatively lower returns in other lines of agriculture, present problems that can only be met by enlargement of the market and by giving the domestic market to our own farmers.

Much work is being done by the National Dairy Council in educational programs to increase the consumption of dairy products. There is a certain market for all the dairy products our United States dairy farmers can produce if the consumption of fluid milk could be increased up to the normal requirements of children. Industry advertising and public-health programs working along this line can double the present consumption of milk and still fall short of the requirements set by food specialists as being necessary for the health and vigor of growing children.

The dairy interests have set themselves seriously to the task of widening the domestic market, but they can make no progress unless the tariff schedules are enacted which will afford them protection against foreign imports which displace our domestic products.

The inadequacy of the dairy tariff schedules in the 1922 tariff act is evident to all. The adjustments made by the Tariff Commission bear witness to this. In the first place, butter should carry a higher import rate than 12 cents. It is a processed commodity. The industrial schedules which protect our labor and the capital invested in our manufacturing establishments carry on the average a rate in excess of 40 per cent. Butter is entitled to the same rating, which would place the import duty at not less than 15 cents per pound. The different dairy products convertible in form and differing mainly in the amount of the basic butterfat content should be placed on a parity with butter at this rate.

This convertibility demands an equalization of rates which is not provided for in the present tariff act but which has been given recognition in the pending bill, reckoned, however, unless an increase is granted, on a 12-cent tariff on butter. In my calculations I am using the 15-cent tariff rate on butter. Based on the amount of butter and the skim milk that can be produced from one gallon of fresh milk, the duty on this product should be 8 cents per gallon. Expressed in terms of butter, one gallon of fresh milk is equivalent to 0.4128 pound. At 15 cents per pound this is entitled to a rate of 6.2 cents per gallon of milk. The 85 pounds of skim milk at 2 cents per pound would be 1.70 cents per gallon, making the final equivalent rate on milk 6.2 cents for the butterfat plus 1.7 cents for the skim-milk content, or 7.9 cents per gallon.

Cream, which now has a 20-cents-per-gallon rate, would be advanced to 60 cents per gallon based on a 40 per cent butterfat content. One gallon of cream having a 40 per cent butterfat content will produce 4 pounds of butter. The equivalent rate on cream to a 15-cent rate on butter would, therefore, be 60 cents a gallon.

Considerable imports of powdered and evaporated whole milk and powdered cream enter the United States because the rates in the present tariff act on those products are not in line with the rate on the basic product, butter. Twelve and one-half pounds of whole-milk powder can be manufactured from 100 pounds of whole milk. There are 11.6 gallons of milk in 100 pounds of milk. The equalized duty on 100 pounds of milk will be 92.8 cents or 7.4 cents per pound. With the addition of 2.6 cents per pound to cover lower manufacturing costs in foreign competing countries, the adjusted duty requested on powdered whole milk is 10 cents per pound.

Evaporated whole milk requires an import duty of 3 cents per pound to conform to the rate on powdered whole milk. Condensed milk, which is sweetened condensed or evaporated milk, requires an import rate of 4½ cents per pound. Powdered cream, 14 cents per pound.

In the present tariff act there is little or no attention given to these equivalents. Fresh milk has a duty of 2½ cents per gallon, and cream 20 cents per gallon, which made it profitable to import both for making butter in order to avoid payment of the higher equivalent tariff duty on butter. The Tariff Commission remedied this to a certain extent in the new rates proclaimed by the President on April 13, 1929.

In the tariff act of 1922 evaporated milk carries a duty of 1 cent a pound; sweetened condensed milk, 1¼ cents a pound; all other condensed or evaporated milk, three-eighths of a cent a pound; whole milk powder, 3 cents a pound; cream powder, 7 cents a pound; and skimmed milk powder, 1¼ cents a pound. The rates are not based on the relative amounts of milk, cream, or butterfat included in each, and therefore are inaccurate and unscientific.

The same is true regarding cheese, which now carries a duty of 5 cents per pound, excepting the form of cheese which received an increased rate from the Tariff Commission. As 100 pounds of whole milk will produce 10 pounds of cheese, to agree with the milk duty of 8 cents per gallon the equivalent duty on cheese should be 8 cents per pound on American or cheddar cheese. The duty on casein should be increased also, as has already been fully stated.

The dairy industry embraces a total farm value of nearly $3,000,000,000. Over one and one-half million farmers depend upon milk and its products for the greater source of their incomes. This great industry is entitled to protective rates which are calculated on the known relationships that exist among the different forms of dairy products and which are based on a sound foundation. It is of tremendous importance to Minnesota, which is one of the leading dairying States in the United States, that the pending tariff bill should accord full protection to all the dairy products and by-products.

VEGETABLE OILS

I now come to another very important matter in relation to not only the dairy industry but to the entire group of farmers engaged in livestock production. The farm organizations and the spokesmen in Congress who represent agricultural districts gave detailed testimony to the Ways and Means Committee regarding vegetable oils and fats. The farmers are demanding adequate protection from foreign vegetable oils and fats, and particularly from the duty-free coconut oil coming from the Philippine Islands. This menace of increasing vegetable oil imports is the most disturbing of any that confront our dairy, hog, and cattle farmers to-day. Because of the inseparability in relationships of the oils and fats and the oil-bearing raw materials from which such oils and fats are extracted they must all be considered together. Tariff protection in this schedule will be nullified (a) if preferential treatment is accorded to any vegetable oil because it comes from the Philippine Islands, and (b) if inedible fats are exempted from the imposition of an adequate tariff duty. Farmers must prepare to fight to the last ditch against both of these exemptions, because either one of them will destroy the effectiveness of tariff protection in this schedule.

The list of vegetable oils on which a 45 per cent ad valorem duty is requested is a long one. The tariff act of 1922 recognized these importations and imposed duties on some, but these duties were only feeble attempts to give protection to American producers.

Imports of fish oils, wool grease, hempseed oil, linseed oil, olive oil, various nut oils, coconut oil, cottonseed oil, peanut oil, soy-bean oil, and combinations and mixtures of animal, vegetable, or mineral oil must be made dutiable.

In addition adequate duties are demanded on beef and mutton tallow, oleo oil, oleo stearin, lard and lard compounds and substitutes, castor beans, cotton, hemp, flax, poppy and sunflower seed, apricot and peach kernels, soya beans, copra, tung, palm and palm kernel fats, rape and sesame seeds. Some of these items have been adjusted in the pending bill.

The interchangeability in use of the different vegetable oils and the fats imported necessitate a scientific tariff treatment which is not found in the present tariff law and which has not yet been incorporated as a definite and uniform plan in the pending bill. Obviously, if the vegetable oils originating in the Philippines are permitted to come in duty free, a full degree of protection will not be accorded our domestic producers. The annual importations from these islands cost the American farmers, directly and indirectly, upward of $150,000,000 a year. In 1927 there were 577,497,000 pounds of coconut oil imported duty free to the United States from the Philippine Islands.

The vegetable-oils schedule in the tariff bill to be enacted is fraught with good or ill to the American farmer. It would be a calamity now not to grant him protection equal to that which has aided industry, in the main, to maintain itself in prosperity all these years.

The entire membership of the House will, I am sure, join in the effort to give adequate protection to agriculture at this special session of Congress, called for that specific purpose. [Applause.]

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2667) to readjust the tariff and had come to no resolution thereon.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Thursday, May 16, 1929, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKBEE: A bill (H. R. 2962) to amend the United States Code, title 28, section 152 (Judicial Code, sec. 79), by providing two terms of court annually at Rockford, in the western division of the northern district of Illinois; to the Committee on the Judiciary.

By Mr. BURDICK: A bill (H. R. 2963) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. BYRNS: A bill (H. R. 2964) to restore Fort Negley, at Nashville, which was used and occupied by Federal forces during the Civil War; to the Committee on Military Affairs.

By Mr. DOUGLAS of Arizona: A bill (H. R. 2965) to authorize the Secretary of the Interior to lease concessions on reservoir sites, and other lands in connection with Indian irrigation projects; to the Committee on Indian Affairs.

By Mr. JAMES (by request of the War Department): A bill (H. R. 2966) to provide for the care and maintenance of the Guilford Courthouse National Military Park; to the Committee on Military Affairs.

Also (by request of the War Department): A bill (H. R. 2967) to authorize the charging of transportation costs on Quartermaster Corps supplies, equipment, and material to the appropriation from which such supplies, equipment, and material were procured; to the Committee on Military Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 2968) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children; to the Committee on the Judiciary.

By Mr. SUTHERLAND: A bill (H. R. 2969) granting abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 2970) providing for the garnishment of and levy of execution on wages and salary of civil employees of the United States; to the Committee on the Judiciary.

By Mr. BYRNS: Joint resolution (H. J. Res. 75) providing for a joint committee of the Senate and House of Representatives on reorganization of the administrative services of the Government; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 2971) granting a pension to Julia A. Barber; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 2972) granting a pension to Jane Mick; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 2973) for the relief of Sam Perkins; to the Committee on Claims.

Also, a bill (H. R. 2974) for the relief of Myer Morris; to the Committee on Claims.

Also, a bill (H. R. 2975) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 2976) to authorize the President to present the distinguished flying cross to Lieuts. Lowell H. Smith, Leslie P. Arnold, E. H. Nelson, and John Harding, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 2977) granting a pension to Alice C. Branch; to the Committee on Pensions.

Also, a bill (H. R. 2978) granting a pension to Julia Wade; to the Committee on Pensions.

Also, a bill (H. R. 2979) granting a pension to James W. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 2980) granting a pension to Mariah H. Bowen; to the Committee on Pensions.

Also, a bill (H. R. 2981) granting a pension to Fred Allen; to the Committee on Pensions.

Also, a bill (H. R. 2982) granting an increase of pension to Thomas H. Rogers; to the Committee on Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 2983) for the relief of Samuel F. Tait; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 2984) granting six months' pay to Mary A. Bourgeois; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 2985) granting a pension to Eva Davison; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 2986) for the relief of Michael F. Calnan; to the Committee on Naval Affairs.

By Mr. FREEMAN: A bill (H. R. 2987) granting an increase of pension to Milissa S. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2988) granting an increase of pension to Mary B. Greene; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 2989) granting a pension to Matt Hogan; to the Committee on Invalid Pensions.

By Mr. GRIFFIN (by request): A bill (H. R. 2990) to provide for the appointment of Maurice D. Loewenthal as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 2991) granting a pension to Emily B. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 2992) granting a pension to Amanda White; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 2993) granting a pension to Myrtle Austin; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 2994) granting a pension to Charlotte Buck; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 2995) granting a pension to Daniel Wilson; to the Committee on Pensions.

Also, a bill (H. R. 2996) granting a pension to Edward Chaney; to the Committee on Pensions.

Also, a bill (H. R. 2997) granting a pension to Alma Kash; to the Committee on Pensions.

Also, a bill (H. R. 2998) granting a pension to John Johnson; to the Committee on Pensions.

Also, a bill (H. R. 2999) granting a pension to John Brown; to the Committee on Pensions.

Also, a bill (H. R. 3000) granting a pension to Neva Stapleton; to the Committee on Pensions.

Also, a bill (H. R. 3001) granting a pension to Arthur McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3002) granting a pension to William Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3003) granting an increase of pension to Dury M. Craft; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 3004) for the relief of Arthur Moffatt, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 3005) to carry out the findings of the Court of Claims in the case of Joseph G. Grissom; to the Committee on War Claims.

Also, a bill (H. R. 3006) granting a pension to Ella Girton; to the Committee on Pensions.

Also, a bill (H. R. 3007) granting a pension to Mary McDaniel; to the Committee on Pensions.

Also, a bill (H. R. 3008) granting a pension to Carrie York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3009) granting a pension to Alfred Streeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3010) granting a pension to Gustav A. Seyfert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3011) granting a pension to Mary Ann Senseney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3012) granting a pension to Amanda E. Roy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3013) granting a pension to Bertha C. Hammer Rentfrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3014) granting an increase of pension to Elizabeth Plumb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3015) granting a pension to Samantha E. Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3016) granting a pension to Alice Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3017) granting a pension to Harriet C. Hardacre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3018) granting a pension to Sarah Funderburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3019) granting an increase of pension to Mary Dyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3020) granting a pension to Minnie Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3021) granting a pension to Amanda Bland; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 3022) to provide for the advancement on the retired list of the Navy of George Dewey Hilding; to the Committee on Naval Affairs.

By Mr. MICHENER: A bill (H. R. 3023) granting a pension to Ella Eaton; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 3024) granting an increase of pension to Ellen Speck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3025) granting an increase of pension to Mary Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3026) granting an increase of pension to Marie Fell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3027) granting an increase of pension to Michael J. Murphy; to the Committee on Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 3028) for the relief of William A. Hynes; to the Committee on Military Affairs.

By Mr. HARCOURT J. PRATT: A bill (H. R. 3029) granting an increase of pension to Martha A. Terwilliger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3030) granting an increase of pension to Martha J. Symonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3031) granting an increase of pension to Clara Daved; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3032) granting an increase of pension to Susie P. Van Nostrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3033) granting a pension to Ida Van Loan McWhood; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 3034) granting an increase of pension to Julia Finley; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 3035) granting an increase of pension to Emily M. Cunningham; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 3036) granting an increase of pension to Harmon E. Deck; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 3037) granting a pension to Laura P. Tucker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

406. Petition of the Polk Van Ness and Larkin District Association, memorializing Congress of the United States for a reduction of 50 per cent in the Federal tax on earned incomes; to the Committee on Ways and Means.

407. Petition of the Garage and Property Owners Association of California, memoralizing Congress of the United States for a reduction of 50 per cent in the Federal tax on earned incomes; to the Committee on Ways and Means.

408. Petition of the International Brotherhood of Blacksmith's Helpers, Local 168, of San Francisco, Calif., urging the Congress of the United States for a reduction of 50 per cent in the Federal tax on earned incomes; to the Committee on Ways and Means.

409. By Mr. BARBOUR: Resolution of California Oil and Gas Permittees and Lessees Association, relative to regulations issued by the Secretary of the Interior relating to oil and gas prospecting permits and leases; to the Committee on the Public Lands.

410. By Mr. CULLEN: Petition of the Big Six Post, No. 1522, Veterans of Foreign Wars of the United States, recording their united and emphatic protest against the deplorable conditions brought about by the eighteenth amendment and its enacting laws, and therefore demanding their repeal; to the Committee on the Judiciary.

411. By Mr. GREGORY: Petition of U. S. Copeland and other citizens of Ballard County, Ky., urging enactment of legislation authorizing increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

412. By Mr. HICKEY: Petition of Wayne Township, Starke County, Ind., Farm Bureau, asking for adequate protection to our American producers of peppermint oil, etc.; to the Committee on Ways and Means.

413. By Mr. VINCENT of Michigan: Petition of citizens of Saginaw County, Mich., protesting against proposed legislation for the simplification of the calendar; to the Committee on Foreign Affairs.

SENATE

THURSDAY, *May 16, 1929*

Rev. Joseph R. Sizoo, D. D., minister of the New York Avenue Presbyterian Church of the city of Washington, offered the following prayer:

Almighty God, all whose ways, though past finding out, are altogether ways of love, we pause at the opening of this session to bless Thee for Thy goodness. The lines have fallen unto us in pleasant places and a goodly heritage is ours. Thou art better to us than we deserve. Doubt has dimmed our vision. Pride has shut the doors of our souls. The bitterness of disappointed hopes has closed our hearts to Thy presence. Pardon again those moments in which we have forgotten Thee. May we see afresh Thy constant love and know that Thou art yet with us always unto the end of time, that the cords which are broken may vibrate once more. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, May 7, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	McMaster	Smoot
Ashurst	George	McNary	Steck
Barkley	Gillett	Metcalf	Steiwer
Bingham	Glenn	Moses	Stephens
Black	Goff	Norbeck	Swanson
Blaine	Goldsborough	Norris	Thomas, Idaho
Blease	Gould	Nye	Thomas, Okla.
Borah	Greene	Oddie	Townsend
Brookhart	Hale	Overman	Trammell
Broussard	Harris	Patterson	Tydings
Burton	Harrison	Phipps	Tyson
Capper	Hatfield	Pine	Vandenberg
Caraway	Hawes	Pittman	Wagner
Connally	Hayden	Ransdell	Walcott
Couzens	Heflin	Reed	Walsh, Mass.
Cutting	Howell	Robinson, Ind.	Walsh, Mont.
Dale	Johnson	Sackett	Warren
Deneen	Kean	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Edge	King	Shortridge	Wheeler
Fess	La Follette	Simmons	
Fletcher	McKellar	Smith	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

ACQUISITION OF NEWSPAPERS BY POWER TRUST

Mr. NORRIS. Mr. President, I desire to announce to the Senate that to-morrow at 12 o'clock, on the convening of the Senate, if I may secure recognition, I expect to offer a few remarks upon the acquisition of newspapers by the Power Trust.

UTILITY COMMISSIONERS OF DISTRICT OF COLUMBIA

Mr. McKELLAR. Mr. President, several days ago the President sent in the names of two gentlemen for appointment as public-utility commissioners of the District of Columbia, Mr. H. H. Hartman and Mr. Mason M. Patrick. He gave a short history of each. I ask unanimous consent that the same be printed in the RECORD and that immediately thereafter may be printed the protest of the Washington Consumers' Guild against their appointment. The protest——

The VICE PRESIDENT. The Chair desires to call the Senator's attention to the fact that it is executive business to which he is referring.

Mr. McKELLAR. I know I can only have it done by unanimous consent. The protest has been published in the papers, but has not been published in full. It is a matter which I am quite sure every Senator should see before the nominations are voted on. It can only be done by unanimous consent and I am asking consent. If any Senator objects, of course it can not be done.

Mr. WALSH of Massachusetts. Mr. President, we in the rear of the Chamber have not been able to hear the request of the Senator from Tennessee.

The VICE PRESIDENT. Let the Senate be in order.

Mr. McKELLAR. I will repeat my request. Several days ago the President sent in the names of Mr. H. H. Hartman and Mr. Mason M. Patrick to be public-utility commissioners